Board Workshop Agenda
Lake Travis Independent School District Board of Trustees

A meeting of the Board of Trustees of Lake Travis Independent School District will be held March 24, 2021, beginning at 6:00 PM in the Educational Development Center, Live Oak Room
607 RR 620 North
Austin, TX 78734.

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 order shown on this agenda.

1. Call To Order and Quorum Determination
2. Pledge of Allegiance and Moment of Silence
3. Recognitions
   - A. Lake Travis High School 2021 Texas Music Educators Association All-State Musicians 3
   - B. Lake Travis High School 2020-2021 Top Ten Academic Scholars 4
4. Public Comments/Citizen Participation
5. Presentation/Discussion Items
   - A. February 2021 Monthly Financial Reports - Statement of Revenues and Expenditures, Balance Sheet, Tax Statement, 2018 Capital Projects Report and Quarterly Report 5
   - B. Resolution No. 032421-03 Regarding Available Golden Pennies and Potential Call of Tax Ratification Election 11
   - C. Board Notification Under Board Policy CH (Local) - Police Department Vehicles 15
   - D. Board Notification Under Board Policy CH (Local) - Transportation - Buses 16
   - E. Estimated Guaranteed Maximum Price (GMP) for CMR-10, Lake Travis Elementary School and Lake Pointe Elementary School Renovation Projects for the Summer of 2021 ($2,599,370) 17
   - F. Revisions to Board Policy DH (Local) Regarding Employee Standards of Conduct 23
   - G. TASB Policy Update 116 Affecting Local Policies 29
     CQB (Local) - Technology Resources - Cybersecurity
     DCD (Local) - Employment Practices - At-Will Employment
     DCE (Local) - Employment Practice - Other Types of Contracts
     FFAC (Local) - Wellness and Health Services - Medical Treatment
     GKS (Local) - Community Relations - Conduct on School Premises
   - H. Region 13 Board of Directors, Election of Place 7 431
6. Consideration Items
   - A. Agreement with Travis County and Other Municipalities Regarding May 1, 2021, Joint Election 433
   - B. Election Services Agreement Between Travis County and Lake Travis Independent School District 448

C. Election Voting System Resolution #032421-01 463
D. Resolution No. 032421-02 of the Board Regarding Wage Payments During Emergency School Closings 465
E. Consent Agenda
1. Minutes of February 17, 2021 Board Meeting 468

7. Upcoming Meetings and Events
   A. April 7, 2021, 6:00 p.m. - Board Budget Workshop, EDC
   B. April 21, 2021, 6:00 p.m. - Monthly Board Meeting, EDC
8. Closed Session - Trustees will adjourn into Closed Session as permitted by the Texas Government Code 551.001 et. seq.
   A. Section 551.074 - Personnel Matters
      1. The Board will discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public employees or officials. (This may involve consultation with attorney as permitted under Section 551.071)
   B. Section 551.071 - Consultation with Attorney
      1. The Board will discuss and receive legal advice from its attorney on matters which should be confidential under Texas Government Code Section 551.071 (2).
   C. Section 551.072 - Deliberation Regarding Real Property
      1. The Board will discuss the purchase, exchange, lease or value of real property. (This may involve consultation with attorney as permitted under section 551.071.)
   D. Section 551.0821 - School Board: Personally Identifiable Information About a Public School Student
      1. The Board will discuss personally identifiable information about a public school student.
   E. Section 551.076 - Deliberation Regarding Security Devices or Security Audits; Closed Meeting. This chapter does not require a governmental body to conduct an open meeting to deliberate:
      1. The deployment, or specific occasions for implementation of security personnel or devices.
9. Adjournment

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Lake Travis High School 2021 Texas Music Educators Association All-State Musicians

RECOMMENDED ACTION
Special Recognition

RATIONALE
The musical talents of four Lake Travis High School students have earned each of them a place on the 2021 All State Band, Orchestra and Choir as determined by the Texas Music Educators Association (TMEA).

According to TMEA, All State is the highest honor a Texas music student can receive. Approximately 1,860 students were selected through a process that began in the fall of 2020 with over 50,000 students from around the state vying for the honor to perform in one of 15 ensembles (band, orchestra and choir).

The following students from Lake Travis High School have been selected as All State musicians:

- **Sikander Ahmed** - Eb Clarinet (band), junior
- **Aubrey Williamson** - Viola (orchestra), junior
- **Rebekah Freeland** - 1st Soprano 2 (choir), junior
- **Jade Leung** - 5th Soprano 2 (choir), senior

Celebrating its centennial, TMEA is an association of more than 13,500 school music educators dedicated to promoting excellence in music education. Each year, TMEA hosts its annual clinic and convention in San Antonio where music students and educators gather to learn, perform and network. However, due to the pandemic, this year's clinic will be held virtually February 11-13.

Richard Hicks, Ana Macias and Adam Poynor direct the Lake Travis High School band, orchestra and choir programs, respectively.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Charles Aguillon - Director of Fine Arts
Marco Alvarado - Director of Communications, Media & Community Relations

ATTACHMENTS
None

MEETING DATE
March 24, 2021

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Lake Travis High School 2020-2021 Top Ten Academic Scholars

RECOMMENDED ACTION
Special Recognition

RATIONALE
Lake Travis High School is pleased to recognize the following seniors as Top Ten Academic Scholars for the 2020-2021school year:

- Manoj Singireddy - Valedictorian
- Julius Heitkoetter - Salutatorian
- Sydney Schrader
- Luke Lovelace
- Tin Nguyen
- Swetha Ayinala
- Megan Sundheim
- Kevin Stapleton
- Erin Fitzgerald
- Lindsey Bowen

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Gordon Butler, Lake Travis High School Principal
Marco Alvarado, Director of Communications, Media and Community Relations

ATTACHMENTS
None

MEETING DATE
March 24, 2021

AGENDA ITEM ACTION SHEET

AGENDA ITEM
February 2021 Monthly Financial Reports-Statement of Revenues and Expenditures, Balance Sheet, Tax Statement, 2018 Capital Projects Report and Quarterly Investment Report

RECOMMENDED ACTION
For presentation only.

RATIONALE
To provide a financial update to the Board and community regarding the financial position of the school district.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Pam Sanchez - Assistant Superintendent of Business & Operations/CFO
Brad Goerke - Director of Accounting & Budget/Comptroller

ATTACHMENTS
1. Statement of Revenues and Expenditures-February 2021
2. Balance Sheet-February 2021
3. Tax Statement-February 2021
4. 2018 Capital Projects Report-February 2021
5. Quarterly Investment Report-February 2021

MEETING DATE
March 24, 2021

Lake Travis ISD
STATEMENT OF REVENUE AND EXPENDITURES
GENERAL FUND

2/28/2021

		Current Year				Prior Year	
Revenues		**Budget**	**Actual**	**Balance**	**Percent of Budget**	**Cumulative Actual**	**Percent of Actual**
5711	Current Year Tax Revenue	$ 128,602,427	$ 124,726,570	$ 3,875,857	96.99%	$ 121,628,836	98.35%
5700	Other Local Revenues	2,616,091	1,290,683	1,325,408	49.34%	1,783,508	59.01%
5800	State Program Revenue	7,383,256	3,749,585	3,633,671	50.78%	2,369,625	30.91%
5900	Federal Revenue	625,000	36,497	588,503	5.84%	380,408	81.51%
	Total Revenue	**$ 139,226,774**	**$ 129,803,335**	**$ 9,423,439**	**93.23%**	**$ 126,162,377**	**93.57%**
Expenditures							
11	Instruction	$ 56,485,802	$ 26,506,547	$ 29,979,255	46.93%	$25,166,741	47.63%
12	Instructional Resources	924,778	480,915	443,863	52.00%	444,674	50.63%
13	Staff Development	1,051,788	413,983	637,805	39.36%	389,083	45.60%
21	Instructional Administrtion	1,763,501	862,114	901,387	48.89%	742,919	45.77%
23	School Administration	4,569,643	2,227,541	2,342,102	48.75%	2,048,465	48.35%
31	Gudiance & Counseling	3,874,148	1,776,490	2,097,658	45.85%	1,744,485	45.63%
32	Social Work Services	137,736	71,836	65,900	52.15%	31,503	46.19%
33	Health Services	906,628	450,590	456,038	49.70%	393,829	46.49%
34	Transportation	5,004,811	2,101,793	2,903,018	42.00%	2,419,036	54.13%
35	Food Service	90,000	45,000	45,000	50.00%	40,000	41.43%
36	Co-Curricular Account	2,448,937	992,030	1,456,907	40.51%	1,290,168	56.60%
41	General Administration	3,470,297	1,805,057	1,665,240	52.01%	1,714,414	45.71%
51	Plant & Maint. Operation	10,818,050	5,312,578	5,505,472	49.11%	4,935,356	48.43%
52	Security	685,782	372,909	312,873	54.38%	288,039	61.57%
53	Non-Inst. Data Processing	2,903,266	1,330,484	1,572,782	45.83%	1,143,635	50.70%
61	Community Services	418,560	129,447	289,113	30.93%	199,322	58.32%
81	Facilities/Construction	30,000	15,000	15,000	50.00%	12,499	47.62%
91	State Transfers	43,813,047		43,813,047	0.00%		0.00%
92	Incremental Cost WADA	300,000	131,404	168,596	43.80%	132,097	50.13%
93	SPED TRF-Regular Day	45,000		45,000	0.00%	42,508	100.00%
95	JJAEP Transfer Payments	15,000		15,000	0.00%		0.00%
99	Travis County Appraisal	570,000	226,872	343,128	39.80%	237,849	50.14%
	Total Expenditures	**$ 140,326,774**	**$ 45,252,590**	**$ 95,074,184**	**32.25%**	**$ 43,416,622**	**33.24%**
Other Resources and (Uses)							
7990	Other Resources	-	-	-	0.00%	-	0.00%
8990	Other Uses	-	-	-	0.00%	-	0.00%
8911	Transfers-Out	-	-	-	0.00%	-	0.00%
	Total Resources & Uses	**$ -**	**$ -**	**$ -**	**0.00%**	**$ -**	**0.00%**

Fund Balance

1200	Excess (Deficieny) Of Revenues Over Expenditures	$ (1,100,000)	$ 84,550,745
3000	Beginning Fund Balance 9/1	$ 44,264,472	
3000	Ending Fund Balance 8/31	**$ 43,164,472**	
3590	Commited Fund Balance	**$ 460,234**	
3600	Unassigned Fund Balance	**$ 42,704,238**	

Lake Travis ISD
COMBINED INTERIM BALANCE SHEET - ALL FUND TYPES
AS OF: February 28, 2021

Assets	General Fund	Special Revenue Funds	Debt Service Fund	Capital Projects Fund	Internal Svc., Trust & Agency Funds	Total Funds
Current Assets:						
1101 Cash	$ 231,109	$ 1,267,456	$ 1,175,532	$ 13,816,963	$ 3,891,338	$ 20,382,398
1103 Temporary Investments	132,535,849		12,036,424	39,578,250	113,704	184,264,227
Total Cash and Investments	**$ 132,766,958**	**$ 1,267,456**	**$ 13,211,956**	**$ 53,395,213**	**$ 4,005,042**	**$ 204,646,625**
Receivables:						
1210 Property Taxes-Current	$ 4,963,187	$ -	$ 1,766,394	$ -	$ -	$ 6,729,581
1220 Property Taxes-Delinquent	2,536,694	-	890,431	-	-	3,427,125
1230 Allowance-Uncollected Taxes	(1,080,838)	-	(325,250)	-	-	(1,406,088)
1240 Due From Federal Agencies	759,492	1,245	-	-	-	760,737
1250 Sundry Receivables	886	993	-	-	-	1,879
1260 Due From Funds	423,388	-	-	-	3,156	426,544
1280 Due From Other Funds	600	-	-	-	720	1,320
1290 Other Receivables	(6,900)	3,370	-	-	-	(3,530)
1300 Inventories, At Cost	42,352	293,160	-	-	-	335,512
Total Receivables	**$ 7,638,861**	**$ 298,768**	**$ 2,331,575**	**$ -**	**$ 3,876**	**$ 10,273,080**
1400 Other Current Assets	(273,962)	(16,954)	-	(1,778)	(838)	(293,532)
Total Assets	**$ 140,131,857**	**$ 1,549,270**	**$ 15,543,531**	**$ 53,393,435**	**$ 4,008,080**	**$ 214,626,173**
Resources						
5010 Estimated Revenue	$ 139,226,774	$ 10,203,929	$ 46,000,000	$ 400,000	$ 13,097,201	$ 208,927,904
5030 Less: Realized Revenue	129,803,335	2,805,689	44,815,899	97,524	5,906,721	183,429,168
5000 Revenues to be Received	9,423,439	7,398,240	1,184,101	302,476	7,190,480	25,498,736
Total Assets & Resources	**$ 149,555,296**	**$ 8,947,510**	**$ 16,727,632**	**$ 53,695,911**	**$ 11,198,560**	**$ 240,124,909**
Liabilities						
Current Liabilities:						
2110 Accounts Payable	$ 1,461	$ -	$ -	$ (40)	$ -	$ 1,421
2160 Accrued Wages Payable	4,604,016	179,428	-	-	-	4,783,444
2170 Due To Other Funds	739	3,739	-	-	-	4,478
2180 Due To Other Govt's	1,967	-	-	-	-	1,967
2190 Due To Student Groups	-	-	-	-	423,388	423,388
2150 Payroll Deduct & Withhold	-	-	-	-	1,065,947	1,065,947
Total Current Payables	**$ 4,608,183**	**$ 183,167**	**$ -**	**$ (40)**	**$ 1,489,335**	**$ 6,280,645**
2210 Accrued Expenses	-	-	-	-	711,221	711,221
2300 Deferred Revenue	6,708,457	313,784	2,331,574	-	-	9,353,815
2400 Payable From Restricted Assets	-	-	-	1,253,012	-	1,253,012
Total Liabilities	**$ 11,316,640**	**$ 496,951**	**$ 2,331,574**	**$ 1,252,972**	**$ 2,200,556**	**$ 17,598,693**
Fund Equity						
6010 Appropriations	$ 140,326,774	$ 10,586,820	$ 46,000,000	$ 57,522,163	$ 13,097,201	$ 267,532,958
6050 Less: Expenditures	(45,252,590)	(3,431,613)	(38,703,357)	(8,190,486)	(7,273,523)	(102,851,569)
6030 Encumbrances	(686,719)	(170,252)	-	(1,369,260)	-	(2,226,231)
Available Appropriations	**$ 94,387,465**	**$ 6,984,955**	**$ 7,296,643**	**$ 47,962,417**	**$ 5,823,678**	**$ 162,455,158**
4310 Reserve For Encumbrances	686,719	170,252	-	1,369,260	-	2,226,231
3600 Unassigned Fund Balance	42,704,238	1,295,352	7,099,415	3,111,262	3,174,326	57,384,593
3590 Committed Fund Balance - Accr. Leave	460,234					460,234
Total Liability & Fund Equity	**$ 149,555,296**	**$ 8,947,510**	**$ 16,727,632**	**$ 53,695,911**	**$ 11,198,560**	**$ 240,124,909**

SUMMARY OF TAX COLLECTIONS
AS OF FEBRUARY 2021

2020-21 Original Tax Levy	$ 176,737,875.61
Delinquent Taxes as of 8/31/20	4,381,268.00
Total Receivables for 2020-21	$ 181,119,143.61
Current Year Adjustments	(891,634.57)
Prior Year Adjustments	(279,301.72)
Adjusted Receivables	$ 179,948,207.32
Total Net Collections To Date	(170,187,709.41)
Outstanding Receivables as of 2/28/2021	$ 9,760,497.91

SUMMARY OF BUDGETED COLLECTIONS	BUDGETED	NET COLLECTED	BUDGETED DIFFERENCE	% OF BUDGET COLLECTED
Maintenance - Current Tax	$ 128,602,427.00	$ 124,726,570.20	$ 3,875,856.80	96.99%
Maintenance - Prior Year Tax	450,000.00	479,859.51	(29,859.51)	106.64%
Maintenance - Penalties & Interest	650,000.00	316,760.73	333,239.27	48.73%
Sub-total	$ 129,702,427.00	$ 125,523,190.44	$ 4,179,236.56	96.78%
Debt Service - Current Tax	$ 45,100,000.00	$ 44,390,089.26	$ 709,910.74	98.43%
Debt Service - Prior Year Tax	200,000.00	163,246.54	36,753.46	81.62%
Debt Service - Penalties & Interest	200,000.00	111,183.17	88,816.83	55.59%
Sub-total	$ 45,500,000.00	$ 44,664,518.97	$ 835,481.03	98.16%
Total Collections	$ 175,202,427.00	$ 170,187,709.41	$ 5,014,717.59	97.14%

Tax Collection Comparison with 2020-21: Adjusted Tax Roll	2020-21	2019-20
Percent of Current Year Taxes Collected	96.17%	96.84%
Percent of Total Taxes Collected	96.54%	97.15%
Percent of Total Taxes and P & I Collected	96.78%	97.37%

Tax Collection Comparison with 2020-21: Original Tax Roll		
Percent of Current Year Taxes Collected	95.69%	96.37%
Percent of Total Taxes Collected	96.05%	96.68%
Percent of Total Taxes and P & I Collected	96.29%	96.90%

Lake Travis ISD
2018 Bond Program Summary
February 28, 2021

	Resources	Original Budget	Amended Budget	Total Resources	Balance
1	Bond Proceeds	253,000,000.00	236,305,111.00	236,305,111.42	(0.42)
2	Interest Revenue	0.00	5,063,711.00	5,010,878.14	52,832.86
3	Interest Subject to Arbitrage Rebate	0.00	0.00	0.00	0.00
4	Bond Premiums	0.00	18,631,178.00	18,631,178.35	(0.35)
	Total Resources	**253,000,000.00**	**260,000,000.00**	**259,947,167.91**	**52,832.09**

	Appropriations	Original Budget	Amended Budget	Total Expended	Balance to Complete
10	Elementary School #7	31,511,000.00	34,196,881.00	34,469,042.60	(272,161.60)
20	Elementary School #8	3,979,000.00	3,979,000.00	146,518.29	3,832,481.71
30	Secondary School #2	13,802,000.00	9,053,407.00	6,038,199.83	3,015,207.17
40	Middle School #3	75,980,710.00	79,786,275.00	77,029,216.55	2,757,058.45
50	FCA Projects	36,610,132.00	59,030,393.00	43,308,310.74	15,722,082.26
60/70	Small Renovation Improvements	16,927,133.00	14,015,202.00	11,341,109.04	2,674,092.96
	Construction/Renovation	**178,809,975.00**	**200,061,158.00**	**172,332,397.05**	**27,728,760.95**
81	Instructional Materials & Equipment	5,707,000.00	5,639,300.00	2,915,375.11	2,723,924.89
82	Technology	29,901,700.00	25,937,510.00	21,193,002.27	4,744,507.73
83	Copy Machines	750,000.00	750,000.00	425,075.55	324,924.45
84	Maintenance	600,000.00	1,060,000.00	721,568.80	338,431.20
85	Food & Nutrition Services	3,950,789.00	1,973,811.00	1,451,297.41	522,513.59
86	Transportation	13,300,000.00	10,983,059.00	7,412,845.55	3,570,213.45
87	District Furniture & Equipment	0.00	0.00	743,000.30	(743,000.30)
90	Land	1,270,000.00	1,270,000.00	527,002.00	742,998.00
91	Bond Closing	2,000,000.00	1,918,024.00	1,918,023.77	0.23
94	Contingency	7,510,536.00	407,142.00	0.00	407,142.00
95	Program Administration	3,200,000.00	3,199,996.00	1,615,201.96	1,584,794.04
97	LTMS Wastewater Expansion	0.00	800,000.00	38,132.95	761,867.05
	Other Programs	**68,190,025.00**	**53,938,842.00**	**38,960,525.67**	**14,978,316.33**
	Total 2018 Bond Program	**247,000,000.00**	**254,000,000.00**	**211,292,922.72**	**42,707,077.28**

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT
QUARTERLY INVESTMENT SCHEDULE
For the Quarter Ending 2/28/2021

INVESTMENTS BY POOLED FUND GROUP

	Beginning Book Value For Period	Increase (Decrease) For Period	Ending Book Value For Period	Beginning Market Value For Period	Increase (Decrease) For Period	Ending Market Value For Period	Accrued Interest - Period	Accrued Interest - FYTD
Local Maintenance	23,390,328	94,980,651	118,370,980	23,390,328	94,980,650	118,370,979	120,900	230,012
Debt Service	6,198,547	797,200	6,995,747	6,198,547	797,200	6,995,747	1,998	4,113
Capital Projects 2018	45,211,377	(5,633,126)	39,578,250	45,211,377	(5,633,126)	39,578,250	10,571	30,895
Tax Clearing	2,077,441	17,128,107	19,205,547	2,077,441	17,128,107	19,205,547	5,982	6,108
Workers Comp Fund	113,684	20	113,705	113,684	20	113,705	20	58
TOTAL INVESTMENTS	**76,991,377**	**107,272,852**	**184,264,228**	**76,991,377**	**107,272,851**	**184,264,227**	**139,470**	**271,187**

MONEY MARKET ACCOUNTS

	Yield (%)	Beginning Book Value For Period	Increase (Decrease) For Period	Ending Book Value For Period	Beginning Market Value For Period	Increase (Decrease) For Period	Ending Market Value For Period	Accrued Interest - Period	Accrued Interest - FYTD
TexPool									
Local Maintenance	0.07%	8,108,914	70,863,885	78,972,799	8,108,914	70,863,885	78,972,799	4,134	7,776
Debt Service	0.07%	5,795,544	797,063	6,592,607	5,795,544	797,063	6,592,607	1,861	3,760
Capital Projects 2018	0.07%	24,177,768	(5,639,727)	18,538,041	24,177,768	(5,639,727)	18,538,041	3,971	14,254
Tax Clearing	0.07%	2,077,441	17,128,107	19,205,547	2,077,441	17,128,107	19,205,547	5,982	6,108
Workers Comp Fund	0.07%	112,841	20	112,861	112,841	20	112,861	20	58
Total TexPool		40,272,507	83,149,348	123,421,856	40,272,507	83,149,348	123,421,856	15,967	31,955
TEXAS CLASS									
Local Maintenance	0.12%	4,348,431	1,365	4,349,796	4,348,431	1,365	4,349,796	1,365	3,440
Capital Projects 2018	0.12%	21,033,609	6,601	21,040,210	21,033,609	6,601	21,040,210	6,601	16,642
Total MBIA		25,382,041	7,965	25,390,006	25,382,041	7,965	25,390,006	7,965	20,082
Prosperity									
Local Maintenance	2.10%	10,932,983	24,115,401	35,048,384.53	10,932,983	24,115,400	35,048,383.53	115,401	218,795
Debt Service	0.10%	403,002	137	403,139.20	403,002	137	403,139.20	137	354
Workers Comp Fund	0.05%	843	0	843.12	843	0	843.12	0	0
Total Prosperity		11,336,829	24,115,538	35,452,367	11,336,829	24,115,537	35,452,366	115,538	219,149
Total Money Markets		**76,991,377**	**107,272,852**	**184,264,228**	**76,991,377**	**107,272,851**	**184,264,227**	**139,470**	**271,187**
TOTAL INVESTMENTS		**76,991,377**	**107,272,852**	**184,264,228**	**76,991,377**	**107,272,851**	**184,264,227**	**139,470**	**271,187**

The district's investment strategy for the above funds is as follows:

Operational Funds - Shall have as their primary objectives safety, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Debt Service Fund - Shall have sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents.

Capital Projects Funds - Shall have sufficient investment liquidity to timely meet capital project obligations.

This report is prepared in compliance with Lake Travis ISD Investment Policies CDA(Legal) and CDA(Local) and with the Public Funds Investment Act, TX Govt Code Ch. 2256.

Pam Sanchez, Assistant Supt. For Business and Finacial Services — 3/9/2021 Date

Brad Goerke, Director of Finance — 3/9/2021 Date

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Resolution No. 032421-03 Regarding Available Golden Pennies and Potential Call of Tax Ratification Election

RECOMMENDED ACTION
For discussion only. Consideration will be requested at the April 21, 2021 meeting

RATIONALE
The Resolution presented gives the option of asking the voters to access two additional Golden Pennies in a Voter-Approval Tax Rate Election. As fiduciaries of taxpayer funds and in the best interest of the District, the Board of Trustees supports asking the registered voters of the District whether to keep more local dollars local through accessing additional Golden Pennies. Additionally, the Board of Trustees directs the Superintendent to begin preparing for a Voter-Approval Tax Rate Election, including:

1. Upon approval of rules by the Legislative Budget Board, engaging the appropriate audit firm to conduct the House Bill 3 efficiency audit, and promptly sharing such audit results with the Board and community;

2. Continuing to analyze the effects of House Bill 3 on the District's tax rate, with particular attention focused on maintenance and operations tax compression; and

3. Investigating options to maximize the District's local control over the operations budget, including the capacity to decrease the interest and sinking tax rate by two cents in a legally-compliant manner to offset any Golden Pennies increase in the maintenance and operations tax rate.

BUDGET PROVISIONS
2021-2022 General Operating Budget - $2,900,000

RESOURCE PERSONNEL
Pam Sanchez – Assistant Superintendent of Business and Operations/CFO
Brad Goerke – Director of Budget & Accounting/Comptroller
Amber King – General Counsel

ATTACHMENTS
Resolution No. 032421-03 of the Lake Travis Independent School District Regarding Golden Pennies and Potential Call of a Voter-Approval Tax Rate Election

MEETING DATE
March 24, 2021

RESOLUTION NO. 032421-03 OF THE LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT REGARDING GOLDEN PENNIES AND POTENTIAL CALL OF A VOTER-APPROVAL TAX RATE ELECTION

WHEREAS, the Texas school finance system is based on recapture (commonly known as "Robin Hood"), whereby property-wealthy districts send locally-collected property tax revenue to the State to distribute to lower-wealth districts and charter schools; and

WHEREAS, Lake Travis Independent School District (the *District*) is subject to recapture, and each year, District residents pay significant amounts of local tax dollars to the State via recapture; and

WHEREAS, in 2019, during the 86th Legislative Session, the Texas Legislature passed sweeping school finance legislation (*House Bill 3*) that reduced and reformed property taxes and recapture, including lowering and compressing tax rates and changing the laws and requirements for Tax Ratification Elections (now Voter-Approval Tax Rate Elections); and

WHEREAS, certain cents of local property taxes – called Golden Pennies – are not subject to recapture, and all local tax receipts generated from the tax of such pennies stay with the District; and

WHEREAS, in November 2017, District voters overwhelmingly passed a Tax Ratification Election, which, through the use of the then-available two Golden Pennies, added an estimated $2.1 million of non-recapturable funds to the District's operating budget while maintaining the overall tax rate; and

WHEREAS, House Bill 3 provides the option for the District to ask voters to access two additional Golden Pennies for the maintenance and operations tax rate, which would result in an annual additional increase of approximately $2.9 million of general fund revenues; and

WHEREAS, House Bill 3 requires an efficiency audit unless the Governor of the State of Texas declares an emergency affecting the District; and

WHEREAS, on February 12, 2021, Governor Abbott declared a state of disaster for all Texas counties due to the damaging effects of Winter Storm Uri; and

WHEREAS, notwithstanding this disaster declaration, the District nevertheless believes that conduct of an efficiency audit in advance of a Voter-Approval Tax Rate Election is a necessary prerequisite to demonstrate fiscal responsibility to District taxpayers; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: As fiduciaries of taxpayer funds and in the best interest of the District, the Board of Trustees of the District (the *Board*) supports asking the registered voters of the District whether to keep more local dollars local through accessing additional Golden Pennies.

SECTION 2: The Board desires to exercise its discretion in the best interest of the District to order an efficiency audit in anticipation of a possible Voter-Approval Tax Rate Election.

SECTION 3: The Board directs the Superintendent and business and finance staff to begin preparing for a November 2, 2021 Voter-Approval Tax Rate Election, including: (a) upon approval of rules by the Legislative Budget Board, engaging the appropriate audit firm to conduct the House Bill 3 efficiency audit, and promptly sharing such audit results with the Board and community; (b) continuing to analyze the effects of House Bill 3 on the District's tax rate, with particular attention focused on maintenance and operations tax compression; and (c) investigating options to maximize the District's local control over the operations budget, including the capacity to decrease the interest and sinking tax rate by two cents in a legally-compliant manner to offset any Golden Pennies increase in the maintenance and operations tax rate.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true; and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 5: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution, are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public, and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

* * * * *

PASSED AND ADOPTED on the 21st day of April, 2021.

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT

_____
Kim Flasch, President

ATTEST:

_____
Lauren White, Secretary

(DISTRICT SEAL)

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Board Notification Under Board Policy CH (Local) - Police Department Vehicles

RECOMMENDED ACTION
For discussion only.

RATIONALE
The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs $100,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place. The Superintendent shall not be required to obtain Board approval for the following types of budgeted purchases that cost $100,000 or more, but shall subsequently report them to the Board:

1. A purchase made pursuant to a Board-approved interlocal contract, in accordance with law.
2. A purchase made through a cooperative purchasing program, in accordance with law.
3. A purchase made through a state purchasing program that satisfies the District's obligation for competitive purchasing;
4. A purchase for produce or fuel.

Lake Travis ISD has the following budgeted purchase that requires Board notification:

- (6) Patrol Vehicles to Caldwell Country Chevrolet-$271,041.00

BUDGET PROVISIONS
2018 Bond Program

RESOURCE PERSONNEL
Pam Sanchez - Assistant Superintendent of Business & Operations/CFO
Andy Michael - Safety & Security Coordinator
Angie Marsh - Director of Purchasing

ATTACHMENTS
None

MEETING DATE
March 24, 2021

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Board Notification Under Board Policy CH (Local) - Transportation Buses

RECOMMENDED ACTION
For discussion only.

RATIONALE
The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs $100,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place. The Superintendent shall not be required to obtain Board approval for the following types of budgeted purchases that cost $100,000 or more, but shall subsequently report them to the Board:

1. A purchase made pursuant to a Board-approved interlocal contract, in accordance with law.
2. A purchase made through a cooperative purchasing program, in accordance with law.
3. A purchase made through a state purchasing program that satisfies the District's obligation for competitive purchasing;
4. A purchase for produce or fuel.

Lake Travis ISD has the following budgeted purchase that requires Board notification:

- (2) General Education Buses and (5) Special Education Bus to Longhorn Bus Sales-$844,717.00

BUDGET PROVISIONS
2018 Bond Program

RESOURCE PERSONNEL
Pam Sanchez - Assistant Superintendent of Business & Operations/CFO
Brad Bailey – Executive Director of Operations
Angie Marsh - Director of Purchasing
Rhonda Davis - Director of Transportation

ATTACHMENTS
None

MEETING DATE
March 24, 2021

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Estimated Guaranteed Maximum Price (GMP) for CMR-10, Lake Travis Elementary School and Lake Pointe Elementary School Renovation Projects for the Summer of 2021 ($2,599,370)

RECOMMENDED ACTION
For discussion only. Consideration will be requested at the April 21, 2021 board meeting.

RATIONALE
Present the estimated Guaranteed Maximum Price (GMP) for CMR-10, Lake Travis Elementary School and Lake Pointe Elementary School Renovation Projects for $2,599,370 and authorize the Superintendent or his designee to negotiate and execute the GMP Amendment.

Braun & Butler's estimated Guaranteed Maximum Price (GMP) for CMR-10 is $2,599,370. This includes the following projects:

Lake Travis Elementary School
- Architectural Finishes (flooring, wall and ceiling finishes)
- MEP (revise outside air controls)
- Two new single occupancy restrooms
- Power wash the exterior of the building

Lake Pointe Elementary School
- Architectural Finishes (flooring, wall and ceiling finishes)
- MEP (revise outside air controls)
- Power wash the exterior of the building

BUDGET PROVISIONS
2018 Bond Program - $2,599,370.

RESOURCE PERSONNEL
Pam Sanchez – Assistant Superintendent for Business, Finance and Auxiliary Services
Robert Winovitch – Director of Facilities and Construction
Angie Marsh – Director of Purchasing
Amber King – General Counsel

ATTACHMENTS
Braun & Butler preliminary GMP Estimate Summary for CMR-10 Lake Travis Elementary School and Lake Pointe Elementary School Renovation Projects (Summer 2021).

MEETING DATE
March 24, 2021

Braun & Butler CONSTRUCTION

Job Name: LTISD LP Elementary

Date: 3/9/2021

		Mhrs	Qty	Unit	Miscellaneous UP	Miscellaneous Amount	Labor UP	Labor Amount	Material UP	Material Amount	Total
0	**Project Information**										0
	Building (SF)		**80506**	sf							0
	Project Duration		90	days							0
											0
1	**General Conditions**										0
	Senior Project Manager		4	wk			650	2600			2,600
	Project Manager		12	wk			1,100	13200			13,200
	Truck Expense		12	wk			150	1800			1,800
	Superintendent		14	wk			2,150	30100			30,100
	Truck Expense		14	wk			350	4900			4,900
	Site Survey		1	ls				1750			1,750
	Interim Cleanup Labor		288	mhrs			28	8064			8,064
	Project Office Clerical Support		12	wk			365	4380			4,380
											0
	Mobilization / Demobilization		1	ls	3,500	3,500					3,500
	Chemical Toilet		3	mo	300	900					900
	Drinking Water		3	mo	100	300					18 300
	Dumpster Service		12	ea	600	7,200					7,200
	Telephone / Fax / Radio		3	mo	275	825					825
	Computer Service		3	mo	150	450					450
	Rentals		1	ls	1,500	1,500					1,500
	Plan Reproduction		1	ls	250	250					250
	Close Out Documents		1	ls	1,500	1,500					1,500
											0
											0
	Allowances										0
	contractor's contingency					60,000					60,000
											0
2.35	Demolition		1	ls		35,000					35,000
											0
											0
6	Rough Carpentry					0		4230		11900	16,130
	Misc.blocking chair/picture rail etc..	40	200	lf							0
	bathroom accessories blocking	4	20	lf							0
	Bathroom partition blocking	30	160	lf							0
	blocking for hand dryers	20	96	lf							0
											0
											0
6.20	Millwork					0					0
	remove salvage picture rails	64	65	ea			45	2880			2,880
	new 2x4 chair rail	46	2,700	lf				1490	ls	7684	9,174
	reinstall picture rails	82	65	ea			45	3690			3,690
											0
											0
8	Hollow Metal Doors / Frames									0	0
	install new door frame	4	1	ea		100	32	128	450	450	678
											0
8.10	Wood Doors									0	0
	install salvaged wood door	2	1	ea			32	64		0	64
											0
8.20	Hardware									0	0
	new hardware	4	1	ea			32	128	685	685	813
											0
9.00	Metal Framing / Drywall					25,453					25,453
	metal stud framing drywall 15'x10'		230	sf							0
	drywall		230	sf							0
	drywall repair/patch from demo		10,392	sf							0

Braun & Butler CONSTRUCTION

50% CTILE BREAKOUT

Job Name: LTISD LP Elementary
Date: 3/9/2021

		Mhrs	Qty	Unit	Miscellaneous UP	Miscellaneous Amount	Labor UP	Labor Amount	Material UP	Material Amount	Total
											0
											0
9.05	Acoustical Ceiling					10,727					10,727
	remove ceiling tile and grid		145	sf							0
	install grid/ceiling tile		150	sf							0
	5% ACT replacement (Tile Only)		3,699	sf							0
	r&r act/grid new bathroom area			ls							0
											0
9.10	Ceramic Tile										0
	Rest Room Wall Tile		9,702	sf		65,682					65,682
	Rest Room 6X12 Cove Base		864	pc		11,317					11,317
	Schluter Trim		5	ea		125					125
	Corridor CWT-1 Wall Tile		7,841	sf		52,860					52,860
	Corridor CWT-2 Wall Tile		1,106	sf		12,058					12,058
	Corridor CWT-3 Wall Tile		1,106	sf		12,058					12,058
	Corridor CWT-4 Wall Tile		1,106	sf		12,058					12,058
	Corridor CWT-5 Wall Tile		1,106	sf		12,058					12,058
	Corridor Schulter Trim		30	ea		750					750
											0
											0
9.20	Carpet / VCT / Base					228,000					228,000
	VCT flooring		65,795	sf							0
	vinyl base		12,300	sf							0
	carpet tile		553	sy							0
	floor prep		300	bags							0
											0
											0
9.25	Tape / Float / Texture / Paint					228,272					228,272
	wall repairs (total wall areas)		123,693	sf							0
	paint interior walls		123,693	sf							0
	power wash exterior		1	ls		22,800					22,800
	stain chair rail		2,700		1	1,755					1,755
											0
9.30	Specialty Flooring					22,933					22,933
	new epoxy flooring		2,140	sf							0
											0
											0
											0
10	Marker Boards / Tack Boards					0					0
	remove salvage marker boards	56	56	ea			45	2520			2,520
	inspect re-install marker boards	112	56	ea			45	5040		500	5,540
											0
											0
10.10	Toilet Partitions (included with accessories)					0					0
	new bathroom partitions		42	ea	950						0
											0
10.15	Toilet Accessories					67,390					67,390
	remove salvage bathroom accessories	48	115	ea				0			0
	inspect re-install salvaged bath accessories	64	115	ea				0			0
	install new bathroom accessories	8	8	ea				0		0	0
	new hand dryers (electrician install)		9	ea				0		0	0
											0
12.90	Window Treatments					0					0
	see alternate 1		65	ea							0
											0
15.10	Plumbing					44,940					44,940
	remove-store plumbing fixtures	80	75	ea			65				0

Braun & Butler CONSTRUCTION

Job Name: LTISD LP Elementary

Date: 3/9/2021

		Mhrs	Qty	Unit	Miscellaneous UP	Miscellaneous Amount	Labor UP	Labor Amount	Material UP	Material Amount	Total
	inspect/stage re-install plumbing fixtures	160	75	ea			65				0
	new lavatory	16	2	ea			65				0
	new toilet	16	2	ea			65				0
	rough in new bathroom	32					65				0
											0
											0
15.20	HVAC					15,865					15,865
	new bathroom exhaust fan		1	ea						0	0
	exhaust fan ductwork		1	ls				0		0	0
											0
											0
											0
15.30	HVAC Controls					0					0
											0
15.40	Test / Balance					0					0
											0
											20 0
16	Electrical					18,000					18,000
	remove/safe-off circuits hand dryers	16	13	ea			75				0
	remove cover plates all new finish areas	24					75				0
	bathroom exhaust fan power	24					75				0
	bathroom light and switch	8					75				0
	new hand dryers	20	9	ea			75			0	0
	disconnect/reconnect water fountains	16	6	ea			75				0
	bathroom lighting	8	2	ea			75				0
	Install new hand dryers	24	16	ea			75				0
											0
											0
	Regulatory Requirements										0
	plan review fee by owner			ls							0
	building permit fee by owner			ls							0
											0
	Project Specific Requirements										0
	site safety inspections		1	ls		2,200		1044			3,244
	project final clean		80,506	sf	0.35	28,177					28,177
											0
	Project Insurance					11,361					11,361
											0
	SUBTOTAL					1,018,364		88,008		21,219	1,127,591
	CM Fee		4.00%								45,104
	Total Before Bond										1,172,695
	Bond Cost (yes=1)		1								15,227
	Sales tax on Material		0.00%								0
	Sales tax on Total		0.00%								0
	SUMMARY TOTAL										**1,187,922**

Braun&Butler CONSTRUCTION

Job Name: LTISD LT Elementary
Date: 3/9/2021

		Mhrs	Qty	Unit	Miscellaneous UP	Miscellaneous Amount	Labor UP	Labor Amount	Material UP	Material Amount	Total
0	**Project Information**										0
	Building (SF)		99849	sf							0
	Project Duration		90	days							0
											0
1	**General Conditions**										0
	Senior Project Manager		4	wk			650	2600			2,600
	Project Manager		12	wk			1,100	13200			13,200
	Truck Expense		12	wk			150	1800			1,800
	Superintendent		14	wk			2,150	30100			30,100
	Truck Expense		14	wk			350	4900			4,900
	Site Survey		1	ls				1750			1,750
	Interim Cleanup Labor		288	mhrs			28	8064			8,064
	Project Office Clerical Support		12	wk			365	4380			4,380
											0
	Mobilization / Demobilization		1	ls	3,500	3,500					3,500
	Chemical Toilet		3	mo	300	900					900
	Drinking Water		3	mo	100	300					300
	Dumpster Service		12	ea	600	7,200					7,200
	Telephone / Fax / Radio		3	mo	275	825					825
	Computer Service		3	mo	150	450					450
	Rentals		1	ls	1,500	1,500					1,500
	Plan Reproduction		1	ls		0					0
	Close Out Documents		1	ls	1,500	1,500					1,500
											0
											0
	Allowances										0
	contractor's contingency					60,000					60,000
											0
2.35	Demolition		1	ls		35,000					35,000
											0
											0
6	Rough Carpentry					0		4230		11900	16,130
	bathroom accessories blocking	4	20	lf							0
	blocking for new hand dryers	20	96	lf							0
	misc. blocking chair picture rails	40	200	lf							0
	bathroom partition blocking	30	160	lf							0
											0
6.20	Millwork					0					0
	remove salvage picture rails	84	120	ea			45	3780			3,780
	new chair rail	155	3,400	lf					ls	9677	9,677
	reinstall picture rails	124	120	ea			45	5400		500	5,900
											0
9.00	Metal Framing / Drywall		12,378	sf		31,219					31,219
	drywall repair/patch from demo										0
											0
9.05	Acoustical Ceiling					14,012					14,012
	5% ACT replacement		4,992	sf							0
											0
9.10	Ceramic Tile					0					0
	Rest Room Wall Tile		11,641	sf		78,809					78,809
	Rest Room 6X12 Cove Base		560	pc		7,710					7,710
	Schluter Trim		7	ea		175					175
	Corridor CWT-1 Wall Tile		12,217	sf		82,709					82,709
	Corridor CWT-2 Wall Tile		5,184	sf		56,518					56,518
	Corridor Schulter Trim		40	ea		1,000					1,000
											0
											0
9.20	Carpet / VCT / Base					279,150					279,150
	VCT flooring		84,943	sf	2	0					0
	vinyl base		15,600	lf	2						0
	carpet tile		600	sy	32						0
	floor prep		375	bags	58						0
											0
9.25	Tape / Float / Texture / Paint					312,905					312,905

Braun&Butler CONSTRUCTION

Job Name: LTISD LT Elementary
Date: 3/9/2021

		Mhrs	Qty	Unit	Miscellaneous UP	Miscellaneous Amount	Labor UP	Labor Amount	Material UP	Material Amount	Total
	wall repairs (total wall areas)		163,294	sf							0
	paint interior walls		163,294	sf							0
	power wash exterior		46,993	sf							0
											0
9.30	Speciality Flooring					36,137					36,137
	new epoxy flooring		3,311	sf		0					0
											0
10	Marker Boards / Tack Boards					0					0
	remove salvage marker boards	79	79		45			3555			3,555
	inspect re-install markier boards	158	79		45			7110	ls	500	7,610
											0
											0
10.10	Toilet Partitions (included with accessories)					0					0
	bathroom stalls		42	ea	950						0
											0
10.15	Toilet Accessories					57,560					57,560
	remove salvage bathroom accessories	64	123	ea			45	2880			2,880
	inspect re-install salvaged bath accessories	246	123	ea			45	11070			11,070
	new hand dryers (electrician install)	16	16	ea			75	1200	450	7200	8,400
											0
12.90	Window Treatments					0					0
	see alternate 1		64	ea							0
											0
15.10	Plumbing					30,850					30,850
	remove-store plumbing fixtures	102	102	ea			65				0
	inspect/stage re-install plumbing fixtures	204	204	ea			65				0
	remove & re-install water fountains	40	40	ea			65				0
											0
16	Electrical					16,000					16,000
	remove/safe off hand dryers		16	ea			75				0
	remove cover plates all new finish areas						75				0
	new hand dryers		8	ea			75			0	0
	disconnect/reconnect water fountains		10	ea			75				0
	re-install coverplates						75				0
											0
											0
	Regulatory Requirements										0
	plan review fee			ls							0
	building permit fee			ls							0
											0
	Project Specific Requirements										0
	site safety inspections		1	ls		2,400		1044			3,444
	project final clean		99,849	sf	0.35	34,947					34,947
											0
	Project Insurance					13,201					13,201
											0
											0
	SUBTOTAL					1,166,477		107,063		29,777	1,303,317
	CM Fee		4.00%								52,133
	Total Before Bond										1,355,450
	Bond Cost (yes=1)		1								17,054
	Sales tax on Material		0.00%								0
	Sales tax on Total		0.00%								0
	SUMMARY TOTAL										**1,372,504**

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Revisions to Lake Travis ISD Board Policy DH (LOCAL) Regarding Employee Standards of Conduct

RECOMMENDED ACTION:
For discussion only. Action will be requested at the April 21, 2021 meeting.

RATIONALE
On December 16, 2020, the Board approved a resolution authorizing the Superintendent or designees to being the process of establishing a school district police department. As a part of this process, local board policy must also be revised to align with and allow for the establishment of a district police force. Board Policy DH (LOCAL) is the policy that addresses employee standards of conduct. A change to this local policy is necessary in order to allow for LTISD police officers to use or possess firearms without violating the District's prohibition on weapons.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Amber King, General Counsel
Paul Norton, Superintendent
Pam Sanchez, Assistant Superintendent of Business, Financial and Auxiliary Services

ATTACHMENTS
Draft DH (LOCAL)

MEETING DATE
March 24, 2021

PROPOSED REVISIONS: 3.1.2021

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. **Use or possession of a firearm by a specific employee is authorized by Board action. [See CKE]**
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and E-Cigarettes

An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

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 offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;

2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

3. Crimes that occur wholly or in part on school property or at a school-sponsored activity;

4. Crimes involving drugs or alcohol; or

5. Crimes involving moral turpitude, which include, but are not limited to:

   - Dishonesty, fraud, deceit, theft, or misrepresentation;
   - Deliberate violence;
   - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; or
   - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

AGENDA ITEM ACTION SHEET

AGENDA ITEM
TASB Policy Update 116 Affecting Local Policies:
CQB (Local) – Technology Resource – Cybersecurity
DCD (Local) – Employment Practice – At-Will Employment
DCE (Local) – Employment Practice – Other Types of Contracts
FFAC (Local) – Wellness and Health Services – Medical Treatment
GKS (Local) – Community Relations – Conduct on School Premises

RECOMMENDED ACTION
For discussion only. Action will be requested at the April 21, 2021 board meeting.

RATIONALE
TASB regularly sends updates of legal and local policy reflective of legislative changes, court cases, Commissioner's rulings, letters, etc. Update 116 includes recommended (LOCAL) policy revisions concerning the dismissal appeal process for employees, cybersecurity training, student medical treatment, and community conduct on school premises. Please see the Update 116 Local Policy Overview for further details on the recommended changes to these local policies.

Many of the (LEGAL) policies included in this update were affected by recent changes to Administrative Code rules or legislation from the 86th Legislative Session that became effective as of January 1, 2021. Please see the Explanatory Notes for further details on these legal changes.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Amber King – General Counsel

ATTACHMENTS
1. Update 116 Local Policy Overview
2. Explanatory Notes
3. Local Policy Comparison Packet
4. Update 116 Packet

MEETING DATE
March 24, 2021

Update 116 Local Policy Overview

December 11, 2020

Introduction

Update 116 includes recommended (LOCAL) policy revisions concerning the dismissal appeal process for employees, cybersecurity training, student medical treatment, and community conduct on school premises.

While not covered in this publication, many of the (LEGAL) policies included in this update were affected by recent changes to Administrative Code rules or legislation from the 86th Legislative Session that will be effective as of January 1, 2021.

TASB Numbered Update Reminders

You should also review your own district's customized Update 116 materials for your specific policy recommendations. Please remember that (LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

CQB: Technology Resources, Cybersecurity

Current state law requires the board to select a cybersecurity training program and to verify and report cybersecurity training completed by employees. To ease compliance with this law, the recommend revision delegates these responsibilities to the superintendent.

DCD: Employment Practices, At-Will Employment
DCE: Employment Practices, Other Types of Contracts

Most districts have adopted an employee complaint policy that can be found at DGBA(LOCAL). It establishes a process that an employee would follow before a complaint is heard by the board.

Both DCD(LOCAL) and DCE(LOCAL) reference DGBA under the sections that address appeals. The recommended revisions are intended to clarify that an at-will employee who is dismissed or a non-Chapter 21 contract employee whose contract is not reissued would follow the grievance process as outlined in policy DGBA, including proceeding through the relevant hearing levels before a complaint goes to the board.

FFAC: Wellness and Health Services, Medical Treatment

Substantial revisions at policy FFAC(LOCAL) are recommended:

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TASB Policy Service

- To align the policy with current Texas Department of State Health Services (DSHS) guidance;
- To include only those board-level decisions that should be reflected in policy; and
- To remove provisions that are more appropriate in the district's administrative regulations.

Recommended for removal from this policy and inclusion in the district's regulations are administrative details concerning:

- How the district responds when a student becomes ill;
- What steps to take when a student is involved in an accident; and
- Requirements for administering medication provided by parents.

Some districts have policies that would permit the district to purchase nonprescription medication for use in the district athletic program. Special provisions are included in those districts' policies to address this practice.

In accordance with DSHS guidance, however, in most districts' policies the text now reflects that the district shall not otherwise purchase nonprescription medication to administer to students.

Districts also have the option to purchase unassigned, prescription epinephrine auto-injectors and unassigned, prescription asthma medications. If your district purchases epinephrine auto-injectors or asthma medication, state law requires board-adopted policy. Please contact your policy consultant if your district currently purchases these specific prescription medications or if your district purchases nonprescription medications not currently reflected in policy.

The provisions covering medical treatment have also been updated to clarify who may complete the medical treatment authorization form and to reflect that the district will seek appropriate emergency care for a student as required or deemed necessary.

GKA: Community Relations, Conduct on School Premises

The recommended revision in this policy specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days unless the complaint is resolved before coming to the board.

Thank You!

That covers the local policies in Update 116 for most districts. We hope you find this overview helpful. Should you have any questions or want further

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clarification, please feel free to contact your assigned policy consultant at the TASB Policy Service website.[1]

[1] TASB Policy Service: https://policy.tasb.org

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Explanatory Notes
TASB Localized Policy Manual Update 116

Lake Travis ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

New! Local Policy Overview for Update 116: The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in Policy Manual Update Resources. From there, you may forward them electronically or print the written document for distribution to staff and board members.

(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

A25(INDEX) CROSS-INDEX

The cross-index has been updated to reflect new terms and revisions to content and coding in the policy manual.

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions from Administrative Code rules incorporate details previously included in the *Local Accountability Systems Guide*. The *Guide* is no longer adopted by reference in the Administrative Code but is available online.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

We have added revised Administrative Code rules addressing Results Driven Accountability, a framework to evaluate district performance in regard to certain populations of students in select program areas.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Provisions regarding Monitoring Reviews and On-Site Investigations have been revised to better reflect statute.

BE(LEGAL) BOARD MEETINGS

Provisions at Persons with Hearing Impairments have been revised to better reflect statute.

BJCB(LEGAL) SUPERINTENDENT: PROFESSIONAL DEVELOPMENT

Details from revised Administrative Code rules have been added to the provision requiring superintendents to receive training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

C(LEGAL) BUSINESS AND SUPPORT SERVICES

The title of CX has been revised to Contracts for Facilities to better reflect the content.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions to this legally referenced policy are based on Office of Management and Budget (OMB) amendments to federal regulations addressing awards and grants.

Lake Travis ISD

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions, effective January 1, 2021, from Senate Bill 2, 86th Legislative Session, have been added and address:

- Use and submission of the comptroller's tax rate calculation forms to calculate the no-new-revenue and voter-approval tax rates; and
- Taxpayer injunctions restraining the collection of taxes and prohibiting a district from adopting a tax rate if certain requirements are not met.

Guidance from the Texas Tax Code on calculating the voter approval tax rate has also been added.

CE(LEGAL) ANNUAL OPERATING BUDGET

We have added a provision requiring the board to attach the forms used to calculate the no-new-revenue and voter-approval tax rates as an appendix to the district's budget. The provision is effective January 1, 2021, and is from Senate Bill 2, 86th Legislative Session.

CFC(LEGAL) ACCOUNTING: AUDITS

Revised Administrative Code rules clarify that the district's independent auditor must be associated with a certified public accountancy firm licensed by the Texas State Board of Public Accountancy or a state licensing agency from another state.

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

New Administrative Code rules on mandatory school drills have been added.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

We have updated web links in this legally referenced policy.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have updated web links in this legally referenced policy.

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

We have updated web links in this legally referenced policy.

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

A new required internet posting has been added from revised Administrative Code rules. A district with a local accountability system must post on the district's website an explanation of the methodology used to assign local campus accountability performance ratings.

CQB(LOCAL) TECHNOLOGY RESOURCES: CYBERSECURITY

To ease compliance with state law provisions requiring the board to select a cybersecurity training program and verify and report cybersecurity training by district employees, recommended revisions to this policy provide for the board to delegate these responsibilities to the superintendent.

Lake Travis ISD

CX(LEGAL) CONTRACTS FOR FACILITIES

The title to this legally referenced policy has been changed to Contracts for Facilities, and the text has been revised to better reflect statute.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been significantly reorganized to focus on discrimination in hiring and discharging employees. Some details on disability discrimination have been moved to DIA, addressing discrimination, harassment, and retaliation in other aspects of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DBA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

This legally referenced policy has been updated to clarify that holders of intern or probationary certificates may be employed on an emergency permit under certain circumstances.

DCD(LOCAL) EMPLOYMENT PRACTICES: AT-WILL EMPLOYMENT

Recommended revisions clarify that an at-will employee's appeal of dismissal would follow the district's employee grievance policy and not begin with the board.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

DCE(LOCAL) EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Recommended revisions clarify that an appeal by an employee whose non-Chapter 21 contract is not reissued at the end of the contract period would follow the district's employee grievance policy and not begin with the board.

Please contact the district's policy consultant if you have revisions to the list of positions for which the district issues a non-Chapter 21 contract.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

References have been added to new Administrative Code rules on optional local teacher designation systems and mentor teacher training programs.

DH(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT

The Educators' Code of Ethics has been updated to reflect current Administrative Code rules.

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been significantly reorganized to focus on the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment.

Lake Travis ISD

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DP(LEGAL) PERSONNEL POSITIONS

Revised Administrative Code rules implement House Bill 1501 from the 86th Legislative Session, which created the Texas Behavioral Health Executive Council to regulate psychological services in public schools, including services provided by a licensed specialist in school psychology.

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

Revisions from amended Administrative Code rules align the required secondary curriculum with changes to the technology applications and CTE TEKS and legislation from the 86th Legislative Session.

In addition, provisions on personal financial literacy were moved within the policy for clarity.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

From amended Administrative Code rules, we have added provisions explaining:

- How educationally disadvantaged students are defined for the compensatory education allotment and the methods a district may use to verify eligibility; and
- The approval process a district must use to claim students receiving a full-time virtual education through TXVSN in their counts of educationally disadvantaged students.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

We have added a new Administrative Code rule addressing the option for an elementary school student to complete a course in American Sign Language to satisfy one of the required graduation credits for languages other than English.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Amended Administrative Code rules require a student in grades 3 through 8 who is enrolled in an accelerated course and who will complete the high school end-of-course assessment for the content area prior to high school to take the ACT or SAT in high school.

Revisions at Accountability Testing are to better match statutory wording.

EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Revised Administrative Code rules address the administration of the alternate English language proficiency assessment for students with the most significant cognitive disabilities and amend terminology in some places from *English language learner* to *English learner*.

FDD(LEGAL) ADMISSIONS: MILITARY DEPENDENTS

Under new Administrative Code rules, a campus may qualify to earn a Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected students.

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FFAC(LOCAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Policy Service recommends several revisions to this local policy on student medical treatment to reflect current guidance from the Texas Department of State Health Services (DSHS) and common district practices.

- Administrative details on student illness and accidents are recommended for removal.
- Provisions on administering medication provided by parents direct the superintendent to designate the employees authorized to administer medication and refer to administrative regulations for detailed requirements.
- In accordance with DSHS guidance, the policy reflects that the district shall not purchase nonprescription medication to administer to students, except as provided by the policy, which addresses district-provided medication in the district's athletic program and administration of unassigned epinephrine auto-injectors. **Contact the district's policy consultant if the district purchases or provides any other medication for students, including unassigned prescription asthma medication.**
- Medical treatment provisions have been updated to clarify who may complete medical treatment authorization forms and reflect that the district shall seek appropriate emergency care for a student as required or deemed necessary. This new text is recommended to replace previous text that covered emergency treatment forms.

See FFAC in the *TASB Regulations Resource Manual* for updated procedures and forms.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

Revised Administrative Code rules adopted by the Texas Behavioral Health Executive Council address consent regarding school psychological services provided by a licensed specialist in school psychology.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions at SBEC Disciplinary Action are from amended Administrative Code rules. We have also added a Note connecting the general child abuse and neglect investigation provisions in this legally referenced policy with the more specific provisions at GRA(LEGAL) addressing investigations of abuse and neglect at school.

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

A revision clarifies that the notification of nondiscrimination required by Title IX does not need to state that it extends to admission.

FL(LEGAL) STUDENT RECORDS

Revisions have been made to reorganize the provisions for better flow and to better match statutory text. Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to GRAA(LEGAL). Provisions regarding student information a district receives from law enforcement have been removed, as these provisions are duplicated at GRAA(LEGAL).

Lake Travis ISD

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This change aligns with changes made at Update 115 to the grievance policies at FNG and GF.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

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

Details on contracting with an institution of higher education for design or construction of instructional or athletic facilities have been removed, as this information is located in CX(LEGAL).

GRA(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

New Administrative Code rules implement the Child Abuse and Treatment Act, resulting in extensive revisions to this legally referenced policy addressing Department of Family and Protective Services investigations of abuse and neglect at school.

GRAA(LEGAL) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to this code from FL(LEGAL).

(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:

School Districts and Education Service Centers	**Community Colleges**
policy.service@tasb.org	colleges@tasb.org
800.580.7529 512.467.0222	800.580.1488 512.467.3689

Plan

The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.

Coordinator

The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.

Training

The Board delegates to the Superintendent the authority to:

1. Determine~~Each District employee and Board member shall annually complete~~ the cybersecurity training program to be annually completed~~designated~~ by each employee and Board member; and

2. Verify~~the District. The District shall verify~~ and report compliance with staff training requirements in accordance with guidance from~~to~~ the Department of Information Resources.

The~~ Additionally, the~~ District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.

Security Breach Notifications

Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods~~:~~:

1. Written notice.

2. Email, if the District has email addresses for the affected persons.

3. Conspicuous posting on the District's websites.

4. Publication through broadcast media.

The District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information to TEA and parents in accordance with law.

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeal of Employment Actions~~to Board~~

A dismissed employee may appeal~~request to be heard by~~ the dismissal~~Board~~ in accordance with DGBA(LOCAL).

Non-Chapter 21 Contracts

The District may employ on non-Chapter 21 contracts, not to be governed by Chapter 21 of the Education Code.

Appeal of Employment Actions

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal ~~to the Board~~ in accordance with DGBA(LOCAL).

Student Illness

Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.

Accidents Involving Students

Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.

Emergency Treatment Forms

Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.

Purchasing Medication

Except as provided below at Administration of Medication to Athletes, the District shall not purchase nonprescription medication to administer to a student.

Administering Medication

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy. provided below.

Medication Exceptions

Licensed professional health-care providers employed by Provided by Parent

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication District or, in accordance with their absence, trained designated District administrative regulations staff, may administer to students:

1. Prescription medication in accordance with legal requirements for a period of up to ten days. [See FFAC(LEGAL)] A written request signed by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period.

2. Nonprescription medication, as needed, upon a parent's written request, when properly labeled and in the original container. Nonprescription medications shall be administered according to the package directions unless a note from a doctor or other health-care professional accompanies the medication request. A written request signed by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a period of five or more consecutive days.

3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan forof a student with disabilities.

Medication Provided by District

Except as provided by this policy, the District shall not purchase medication to administer to a student.

Athletic Program

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:

1. The District has prior written consent for medication to be administered [see Medical Treatment, below]; and
2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

Epinephrine

The District authorizes school personnel~~school personnel~~ who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

On Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The District shall ensure that at each campus a sufficient number of authorized individuals~~personnel~~ are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.

Maintenance, Availability, and Training

The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals~~school personnel~~ in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus.

Notice to Parents

In accordance with law, the District shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.

~~**Administration of Medication to Athletes**~~

~~The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to~~

~~practice medicine in the state of Texas may administer this medication and may do so only if:~~

~~1. The student's parent has given prior written consent for medication to be administered; and~~

~~2.~~1. ~~The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.~~

Psychotropics

Except as permitted by law~~Education Code 38.016~~, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

~~3.~~4. The District shall seek appropriate emergency care for a student as required or deemed necessary.

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

New! *Local Policy Overview* is replacing *Vantage Points*

Beginning with Update 116, Policy Service has a newly redesigned publication, *Local Policy Overview*, available in both video and written document formats under Policy Manual Update Resources[1] on myTASB. The *Local Policy Overview* replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

TASB Policy Service

Update 116 contains (LOCAL) policies that require board action before we can incorporate Update 116 into your district's Policy On Line manual.

Please notify Policy Service of your policy adoption by completing the electronic Notify TASB of Policy Adoption form* on myTASB. As an alternative option, you may complete, scan, and submit this form via email to pol-support@tasb.org.

227913 Lake Travis ISD

Your Name: _____

Your Email: _____

Previous Updates

☐ I confirm that all updates prior to Update 116 have been adopted. (Visit Local Manual Updates† to see updates pending adoption. If your district prints its own hard copies, be sure to save a copy of the "Update Packet (PDF)." Local Manual Updates is not a permanent archive.)

Update 116 Adoption Date: _____

Status (please check one):

☐ Adopted as presented by TASB—place online immediately

☐ Adopted with further changes, described below

_____

_____

_____

_____

Policy Changes

If you wish to make changes to policies issued in Update 116, submit those changes with your adoption notification. If you wish to make changes to policies not issued in Update 116, please email those changes directly to your policy consultant.

Changes will be processed as a Local District Update. Your policy consultant may contact you about policy changes if necessary.

If you have questions, please call Travis Damron at 800-580-7529.

* Notify TASB of Policy Adoption: https://www.tasb.org/apps/PolicyAdmin/
† Local Manual Updates: https://www.tasb.org/apps/policyUpdates/index.aspx*

Update 116

Adoption Notification Form

Policy On Line®

TASB Policy Service

Localized Policy Manual Update 116

Lake Travis ISD

You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more under Local Manual Updates[2] in the myTASB Policy Service Resource Library.

Other materials, including an overview video of the (LOCAL) policy changes, are available under Policy Manual Update Resources.[3]

Need help? Please call your policy consultant at 800-580-7529 or email Policy.Service@TASB.org.

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Overview

Update 116 includes policy revisions in response to revised state rules and provisions from the 86th Legislative Session that are effective January 1, 2021.

Your Localized Update 116 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

New! Local Policy Overview for Update 116

The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in Policy Manual Update Resources.[4] From there, you may forward them electronically or print the written document for distribution to staff and board members.

Legal Services Update Memo

TASB Legal Services' Legal Issues in Update 116 memo[5] (available in the myTASB Policy Service Resource Library under Policy Manual Update Resources) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

(LEGAL) vs. (LOCAL) Policies: Remember the Difference

(LEGAL) policies:

- Reflect the ever-changing legal context for governance and management of the district
- Should inform local decision making
- Should NOT be adopted, but only reviewed

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the district and the intentions of the board
- May only be changed by board action (adopt, revise, or repeal)

If your board adopts changes to the (LOCAL) policies contained in this packet, please notify your policy consultant.

How to Place Policy Changes on the Agenda for Board Action

TASB recommends that the district address this update on the agenda as follows:

> "*Policy Update 116:*
>
> - *(LEGAL) policies*
> - *(LOCAL) policies (see attached list of codes)"*

(LEGAL) policies sub-item: TASB recommends that the board review, but not adopt, the (LEGAL) policies issued in the update. If the board may discuss certain issues addressed by the updated (LEGAL) policies, particularly if those issues are of interest to the public, then, for purposes of discussion, the relevant policy codes, titles, and subtitles should be listed under the sub-item.

(LOCAL) policies sub-item: Board action on the (LOCAL) policies included in the update must occur within a properly posted, open meeting of the board.

- You may use the "(LOCAL) Policy Action List" provided online in Local Manual Updates and include the list under the sub-item, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the Instruction Sheet and Explanatory Notes included in the update packet.
- A suggested motion for board action on the (LOCAL) policies included in the update:

  "I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 116 [with the following changes:]"

How to Notify Policy Service of Board Action

Notify Policy Service of the board's action on Update 116 by completing the electronic Notify TASB of Policy Adoption[6] form on myTASB or by using the Update 116 Adoption Notification Form, enclosed, so Policy Service records remain accurate.

How to Keep Minutes

The board's action on Localized Update 116 must be reflected in board minutes. Your minutes should include:

- The list of proposed (LOCAL) policy actions, such as the Instruction Sheet—annotated to reflect any changes made by the board
- The Explanatory Notes for the update (filed as an attachment to the minutes)
- Copies of new, replaced, or rescinded (LOCAL) policies

How to Maintain Your Historical Record

To construct a separate historical record of the manual, you must track the history of individual (LOCAL) policies. You should maintain a permanent historical record of every (LOCAL) policy adopted, revised, or rescinded by the board.

At a minimum, this record should include the following key pieces of information:

- Policy code
- Date of board action
- Text of policy

For more guidance on maintaining this record, please refer to:

- *The Administrator's Guide to Policy Management*[7]
- Tutorial videos[8] on handling an update

These guides are available in the myTASB Policy Service Resource Library.

How to Keep Your Administrative Regulations Current

Regulations Resource Manual[9] Update 62, which includes revisions to model regulations and forms corresponding with Update 116, is now available on myTASB.

Inspect your district's administrative procedures and documents—including (EXHIBIT)s, (REGULATION)s, handbooks, and guides—that may be affected by Update 116 policy changes.

If you must make changes to the (REGULATION)s or (EXHIBIT)s contained in your board policy manual, please notify your policy consultant.

Disclaimer and Copyright

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

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[1] Policy Manual Update Resources: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx
[2] Local Manual Updates: https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx
[3] Policy Manual Update Resources: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx
[4] Policy Manual Update Resources: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx
[5] Legal Issues memo: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u116_legal_issues.aspx
[6] Notify TASB of Policy Adoption: https://www.tasb.org/apps/PolicyAdmin/
[7] Administrator's Guide to Policy Management: https://www.tasb.org/services/policy-service/mytasb/guidance-for-policy-administrators.aspx
[8] Tutorials: https://www.tasb.org/services/policy-service/mytasb/tutorials.aspx
[9] *TASB Regulations Resource Manual*: https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx

Instruction Sheet
TASB Localized Policy Manual Update 116

Lake Travis ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
A25	(INDEX)	Replace cross-index	Revised cross-index
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BJCB	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKB	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
COB	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQB	(LOCAL)	Replace policy	Revised policy
CX	(LEGAL)	Replace policy	Revised policy
DAA	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DCD	(LOCAL)	Replace policy	Revised policy
DCE	(LOCAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DH	(EXHIBIT)	Replace exhibit	Revised exhibit
DIA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
FDD	(LEGAL)	Replace policy	Revised policy
FFAC	(LOCAL)	Replace policy	Revised policy

Lake Travis ISD

Code	Type	Action To Be Taken	Note
FFEB	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
GKA	(LOCAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy
GRAA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 116

Lake Travis ISD

ATTN(NOTE) **GENERAL INFORMATION ABOUT THIS UPDATE**

New! Local Policy Overview for Update 116: The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in Policy Manual Update Resources. From there, you may forward them electronically or print the written document for distribution to staff and board members.

(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

A25(INDEX) **CROSS-INDEX**

The cross-index has been updated to reflect new terms and revisions to content and coding in the policy manual.

AIA(LEGAL) **ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS**

Revisions from Administrative Code rules incorporate details previously included in the *Local Accountability Systems Guide*. The *Guide* is no longer adopted by reference in the Administrative Code but is available online.

AIB(LEGAL) **ACCOUNTABILITY: PERFORMANCE REPORTING**

We have added revised Administrative Code rules addressing Results Driven Accountability, a framework to evaluate district performance in regard to certain populations of students in select program areas.

AIC(LEGAL) **ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS**

Provisions regarding Monitoring Reviews and On-Site Investigations have been revised to better reflect statute.

BE(LEGAL) **BOARD MEETINGS**

Provisions at Persons with Hearing Impairments have been revised to better reflect statute.

BJCB(LEGAL) **SUPERINTENDENT: PROFESSIONAL DEVELOPMENT**

Details from revised Administrative Code rules have been added to the provision requiring superintendents to receive training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

C(LEGAL) **BUSINESS AND SUPPORT SERVICES**

The title of CX has been revised to Contracts for Facilities to better reflect the content.

CBB(LEGAL) **STATE AND FEDERAL REVENUE SOURCES: FEDERAL**

Extensive revisions to this legally referenced policy are based on Office of Management and Budget (OMB) amendments to federal regulations addressing awards and grants.

Lake Travis ISD

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions, effective January 1, 2021, from Senate Bill 2, 86th Legislative Session, have been added and address:

- Use and submission of the comptroller's tax rate calculation forms to calculate the no-new-revenue and voter-approval tax rates; and
- Taxpayer injunctions restraining the collection of taxes and prohibiting a district from adopting a tax rate if certain requirements are not met.

Guidance from the Texas Tax Code on calculating the voter approval tax rate has also been added.

CE(LEGAL) ANNUAL OPERATING BUDGET

We have added a provision requiring the board to attach the forms used to calculate the no-new-revenue and voter-approval tax rates as an appendix to the district's budget. The provision is effective January 1, 2021, and is from Senate Bill 2, 86th Legislative Session.

CFC(LEGAL) ACCOUNTING: AUDITS

Revised Administrative Code rules clarify that the district's independent auditor must be associated with a certified public accountancy firm licensed by the Texas State Board of Public Accountancy or a state licensing agency from another state.

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

New Administrative Code rules on mandatory school drills have been added.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

We have updated web links in this legally referenced policy.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have updated web links in this legally referenced policy.

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

We have updated web links in this legally referenced policy.

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

A new required internet posting has been added from revised Administrative Code rules. A district with a local accountability system must post on the district's website an explanation of the methodology used to assign local campus accountability performance ratings.

CQB(LOCAL) TECHNOLOGY RESOURCES: CYBERSECURITY

To ease compliance with state law provisions requiring the board to select a cybersecurity training program and verify and report cybersecurity training by district employees, recommended revisions to this policy provide for the board to delegate these responsibilities to the superintendent.

Lake Travis ISD

CX(LEGAL) CONTRACTS FOR FACILITIES

The title to this legally referenced policy has been changed to Contracts for Facilities, and the text has been revised to better reflect statute.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been significantly reorganized to focus on discrimination in hiring and discharging employees. Some details on disability discrimination have been moved to DIA, addressing discrimination, harassment, and retaliation in other aspects of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DBA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

This legally referenced policy has been updated to clarify that holders of intern or probationary certificates may be employed on an emergency permit under certain circumstances.

DCD(LOCAL) EMPLOYMENT PRACTICES: AT-WILL EMPLOYMENT

Recommended revisions clarify that an at-will employee's appeal of dismissal would follow the district's employee grievance policy and not begin with the board.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

DCE(LOCAL) EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Recommended revisions clarify that an appeal by an employee whose non-Chapter 21 contract is not reissued at the end of the contract period would follow the district's employee grievance policy and not begin with the board.

Please contact the district's policy consultant if you have revisions to the list of positions for which the district issues a non-Chapter 21 contract.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

References have been added to new Administrative Code rules on optional local teacher designation systems and mentor teacher training programs.

DH(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT

The Educators' Code of Ethics has been updated to reflect current Administrative Code rules.

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been significantly reorganized to focus on the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment.

Lake Travis ISD

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DP(LEGAL) PERSONNEL POSITIONS

Revised Administrative Code rules implement House Bill 1501 from the 86th Legislative Session, which created the Texas Behavioral Health Executive Council to regulate psychological services in public schools, including services provided by a licensed specialist in school psychology.

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

Revisions from amended Administrative Code rules align the required secondary curriculum with changes to the technology applications and CTE TEKS and legislation from the 86th Legislative Session.

In addition, provisions on personal financial literacy were moved within the policy for clarity.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

From amended Administrative Code rules, we have added provisions explaining:

- How educationally disadvantaged students are defined for the compensatory education allotment and the methods a district may use to verify eligibility; and
- The approval process a district must use to claim students receiving a full-time virtual education through TXVSN in their counts of educationally disadvantaged students.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

We have added a new Administrative Code rule addressing the option for an elementary school student to complete a course in American Sign Language to satisfy one of the required graduation credits for languages other than English.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Amended Administrative Code rules require a student in grades 3 through 8 who is enrolled in an accelerated course and who will complete the high school end-of-course assessment for the content area prior to high school to take the ACT or SAT in high school.

Revisions at Accountability Testing are to better match statutory wording.

EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Revised Administrative Code rules address the administration of the alternate English language proficiency assessment for students with the most significant cognitive disabilities and amend terminology in some places from *English language learner* to *English learner*.

FDD(LEGAL) ADMISSIONS: MILITARY DEPENDENTS

Under new Administrative Code rules, a campus may qualify to earn a Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected students.

Lake Travis ISD

FFAC(LOCAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Policy Service recommends several revisions to this local policy on student medical treatment to reflect current guidance from the Texas Department of State Health Services (DSHS) and common district practices.

- Administrative details on student illness and accidents are recommended for removal.
- Provisions on administering medication provided by parents direct the superintendent to designate the employees authorized to administer medication and refer to administrative regulations for detailed requirements.
- In accordance with DSHS guidance, the policy reflects that the district shall not purchase nonprescription medication to administer to students, except as provided by the policy, which addresses district-provided medication in the district's athletic program and administration of unassigned epinephrine auto-injectors. **Contact the district's policy consultant if the district purchases or provides any other medication for students, including unassigned prescription asthma medication.**
- Medical treatment provisions have been updated to clarify who may complete medical treatment authorization forms and reflect that the district shall seek appropriate emergency care for a student as required or deemed necessary. This new text is recommended to replace previous text that covered emergency treatment forms.

See FFAC in the *TASB Regulations Resource Manual* for updated procedures and forms.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

Revised Administrative Code rules adopted by the Texas Behavioral Health Executive Council address consent regarding school psychological services provided by a licensed specialist in school psychology.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions at SBEC Disciplinary Action are from amended Administrative Code rules. We have also added a Note connecting the general child abuse and neglect investigation provisions in this legally referenced policy with the more specific provisions at GRA(LEGAL) addressing investigations of abuse and neglect at school.

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

A revision clarifies that the notification of nondiscrimination required by Title IX does not need to state that it extends to admission.

FL(LEGAL) STUDENT RECORDS

Revisions have been made to reorganize the provisions for better flow and to better match statutory text. Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to GRAA(LEGAL). Provisions regarding student information a district receives from law enforcement have been removed, as these provisions are duplicated at GRAA(LEGAL).

Lake Travis ISD

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This change aligns with changes made at Update 115 to the grievance policies at FNG and GF.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

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

Details on contracting with an institution of higher education for design or construction of instructional or athletic facilities have been removed, as this information is located in CX(LEGAL).

GRA(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

New Administrative Code rules implement the Child Abuse and Treatment Act, resulting in extensive revisions to this legally referenced policy addressing Department of Family and Protective Services investigations of abuse and neglect at school.

GRAA(LEGAL) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to this code from FL(LEGAL).

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.*

CROSS-INDEX

- A -

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- student FEA, FEB, FEC, FM

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abuse of office BBC, BBFB, DBD, DH
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academic guidance FFEA
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- exams for EHDC
- kindergarten EHDC

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- student code of conduct FNC, FO
- supplementary materials EFA
- tax rate CCG
- vision statement and goals AE

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advertising
- on school buses CNB
- in schools GKB
- in student publications GKB
- outdoor GKB
- political BBBD, CCA, CPAB, GKB
- use of district mail system CPAB

advisory committees/councils (*See* committees)
affirmative action DAA
after-school care FD, FFC
age discrimination (*See* discrimination and harassment)
agenda, board meetings BE, BEC, BED
agents, solicitors, vendors CHE, GKC
AHERA (Asbestos Hazard Emergency Response Act) CKA
alcohol awareness instruction EHAC
alcohol use
- by board members BBC
- by employees BJCF, DFBB, DH, DHE
- by students FNCF, FNF, FOC, FOD, FOF
- by visitors GKA, GKD

alternate recording time (*See* attendance)
alternative assessment EIE
amendment
- board policy BF
- budget CE
- regulations BP
- student records FL

Americans With Disabilities Act Amendments Act of 2008 (ADA)
- access to facilities GA
- employment procedures DAA
- grievance procedures DGBA, DIA, GF
- medical examinations DBB

anabolic steroids FM, FNCF
anaphylaxis FFAC, FFAF
animals in the school DAA, EMG, FBA
annual operating budget
- board responsibility BAA
- financial exigency CEA

preparation CE
process/deadlines CE
public hearings BDAA, CE
superintendent's responsibility BJA
annual reports (*See* reports)
annuities, salary deductions/reductions CFEA, CRG
appeals
employee DGBA
parent FNG
public GF
student FB, FNG, FOD
appraisal
personnel DN, DNA, DNB
superintendent BJCD
appraisal district CCG, CCH
apprenticeships EHAD
architects and engineers BEC, CBB, CH, CS, CV, CVA, CVB, CVC, CVD, CVE, CVF
ARD (Admission, Review, and Dismissal) committee EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE, EIE, EIF, EKB, FOF
arrest of students GRA, GRAA
asbestos CKA
assault (*See also* discipline, student) DIA, EHBK, FDE, FFB, FFH, FNCH, GRAA
assault (recuperative) leave (*See* leaves and absences, employees)
assemblies FNCI, GKA
assessments EIE, EK, EKB, EKBA, EKC, EKD
assignment of personnel BJA, DK, DP
assignment of students
attendance zones FC, FDB
disciplinary settings (*See* discipline, student)
from home schools FD
intradistrict FDB
parental request FDB, FNG
residence requirements FD, FDA, FDB
special education EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
assistance and counseling, student EHBH, FFB, FFBA, FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
assistance animal (*See* service animals)
asthma FFAC
athletics
awards FG
facilities CCE, CX, GKD
insurance CR, CRB, FFD
program FM, FMF
stadium CCA, CCE, CX
at-risk students EHBC, EIE, FDAA
attendance
employees DEC
records and reports DEC, FEC, FED
students FDA, FDB, FE, FEA, FEB, FEC, FED, FEE, FEF
accounting FEB
attendance officer FED
compulsory FEA
for credit or final grade FEC
open/closed campus FEE
release time FEF
zones FC
attorney, board BDD
at-will employment DC, DCD
audio-visual materials CY, EF, EFA, EFB
auditors, independent CFC
audits
assessments EHDC
efficiency CCG
energy CL
federal awards CBB
fiscal accounts CFA, CFC
investments CDA
records GBA
safety and security CK
school activity funds CFD
authorization agreement FD
automated external defibrillator (AED) CH, CKD, DBA, DMA, FFAC, FM
automatic admission EIC, FFEA
automobile use by students CLC, FFFD
available school fund CBA
average daily attendance FEB
award of credit or final grade EI, FEC
awards
board members BBG
employees DJ
students FG

- B -

band program EHAD, FM, FMF
bank depository BBFA, BBFB, BDAE
bankruptcy discrimination DAA
basic instructional program EHAA
before/after-school activities FM, FNAB
behavioral intervention plan EHBAB
benefits, employment CRD, CRE, CRG, DE, DEA, DEAA, DEAB, DEB, DEC, DECA, DECB, DED, DEE, DEG
bicycle use FFFD
bidding
bus leases CH
competitive CH, CV, CVA
emergency repairs CH, CV
maintenance CH, CV
personal property CH
professional services CH, CV
bids, school depository BDAE
bilingual instruction EHBE
birth certificate FD
block schedules EEC, EED, FM
bloodborne pathogens DBB, FFAC
board meetings
certified agenda BEC
closed meeting BE, BEC
generally BE
media BE, BEE
minutes BE
organizational meeting after election BDAA
press services BEE
public hearing (*See* public hearings)
public participation BEC
quorum BBBB, BBE, BDB, BE
transacting business BBE, BE
board of managers AIC
board of trustees
advisory committees BDF
agenda for meetings BE
appointment BBC
attorney BDD
authority BA, BAA, BBE
campaigning on school grounds BBBC, GKD
candidate qualifications BBA

committees BDB
conflict of interest CBB, BBFA, BBFB
consultants BDE
conventions, conferences, workshops BBD, BBG, BE
duties, general and specific BAA, BDAA
election campaign funds BBBC
election of officers BDAA
elections BBB, BBBA, BBBB, BBBC, BBBD
employment, former board member BBC, DC
ethics BBBD, BBF, BBFA, BBFB, CAA, CBB
evaluation of superintendent BJCD
expense reimbursement BBG, DEE
financial statement BBFA
goals AE, BBD
immunity from liability BBE
legal status BA
liability insurance CR, CRB
meetings (*See* board meetings)
memberships BC
oaths BBBB
officers/internal organization BDAA
online message board BBI
orientation BBD
policies, development/amendment of BF
powers and duties BAA, BDAA
quorum for board meetings BBBB, BBE, BDB, BE
quorum for canvassing election results BBBB
records responsibility BBE, CDC
reimbursement of expenses BBG
reorganization of officers BDAA
resignation, removal from office BBC, DBE
self-evaluation BG
team building BBD, BJCB
technology resources BBI
term of office BBB
training and orientation BBD
travel BBG
vacancy BBC
visits to district facilities BBE
bomb threats CKC
bonded employees CG, CKEA
bonds
bonds and bond taxes CCA
campaigns CCA
payment and performance CL, CV, CVD, CVE, CVF
proceeds CDA
recreational facilities CCA, CCD, CCE
revenue CCA, CCD, CCE, CDBA
booster organizations GE
borrowing funds CCF
Boy Scouts of America GKD
breakfast program (*See* food service)
breast milk, right to express DG
bribery BBFB, DBD
broadcasting and taping
school board meetings BE
sports and special events GBB, GBBA
budget (*See* annual operating budget)
budget and finance
accounting system CFA
depository, bank BBFA, BBFB, BDAE
financial exigency CEA
payroll procedures CFE, CFEA, DEA
buildings, equipment, grounds
ADA compliance GA
ejection from CLA, GKA
facility standards CS
leasing and renting GKD
maintenance and operations CL, CLB
safety and security CK, CKA, CKB, CKC, CKE, CLA, CLC
structural pest control CLB, DI, FD
bullying CQ, FFH, FFI
bus (*See also* transportation)
accident reports CNC
conduct, student CNC, FO
contracted bus service CNA
drivers, commercial driver's license DBA, DBAA, DBB, DBE, DHE
emergency evacuation of CNC
maintenance CNB, CNBA
purchase or lease CH, CNB
routes CNA
seat belts CNB, CNC
video cameras FO
businesses, relations with GKE
bylaws (*See* policy system)

- C -

cafeteria plan deductions/reductions CFEA
cafeteria, school CO, COA, COB
cafeteria workers (*See* support staff)
calendar
annual, school year EB
appraisal/evaluation of employees BJCD, DN, DNA, DNB
budget CE
cameras
body-worn CKE, CKEA, GBA
special education classrooms EHBAF
student surveillance FO
campaign funds BBBC
campaigning on district premises BBBD, CPAB, DGA, GKD
campus behavior coordinator (CBC) (*See* discipline, student)
campus improvement plans and objectives AIC, BQ, BQA, BQB
Campus Intervention Team (CIT) AIC
campus, open or closed FEE
campus planning and decision-making process BQ, BQB
campus program charter EL, ELA
campus ratings AIA, AIB, AIC, AID
campus turnaround plans AIC
cannabis FFAC
capital appreciation bonds CCA
cardiopulmonary resuscitation CKD, DBA, DMA, EHAC, EI
career and technical education CNA, EEL, EHBF, EIF
catastrophes and disasters (*See also* emergencies)
ad valorem taxes CCG, CCGA
board meetings BE, BEC
drills (*See* drills, disaster)
emergency repairs CH, CLB, CV
emergency medical equipment and procedures CKD
financial exigency CEA
immunity for shelter workers DGC, GKG
pay provisions DEA
plans CK, CKC
purchasing CH, CV
records GBA
suspension of public information requirements GBAA
waiver of contract and operational requirements DC, EB, FEB

CBC (*See* campus behavior coordinator)
cellular phones FNCE
censorship (*See* First Amendment)
ceremonies and observances CLE
certificate of coursework completion EI, EIF
certificate of indebtedness CCC, CDA
certification
  educator, failure to maintain DFBB
  generally DBA
  lack of DBA, DK, DPB
certified agenda BEC, GBA
certified personnel (*See* educator certification/credentials)
change orders CH, CV
character education EHAA, EHBK
charter schools AF, AG, AH, CDB, EL, ELA
checking accounts CFF
cheerleaders FM, FMF
chemicals, hazardous CKA, CLB, DI
child abuse BBD, BQ, DG, DGC, DH, DIA, DMA, FFEB, FFG, FFH, GRA
childcare, district provided FM, FFC
Children's Internet Protection Act (CIPA) CQ
child support CFEA
chronic health conditions DIA, FFAC, FFAF
church, use of school facilities GKD
CIPA (*See* Children's Internet Protection Act)
civic organizations GKE
civil defense CNB, GKD
civil rights DAA, DIA, FB, FFH, FNA, FNAA, FNAB, GA
classification of students by grade EIE
class interruptions and disruptions EC, EKB, FNCI, GKA
class rankings EIC
class size EEB
closed board meetings BE, BEC
closed campus FEE
closing of school, emergencies CKC
clubs FM, FNAB, FNCC, FP
COBRA (Consolidated Omnibus Budget Reconciliation Act) (*See* insurance)
code of conduct (*See* discipline, student)
code of ethics
  board members BBBD, BBF, BBFA, BBFB, CAA, CBB
  financial CAA
  personnel CAA, CBB, DBD, DH
college course work EHDD
college preparatory program EHBC, EHDD, EIC, EK, EKB
colleges and universities, relations with GNC
college visits FEA
commencement FMH
commercial advertising and sponsorship GKB
commercial motor vehicle operators DBA, DBAA, DBB, DBE, DHE
commissioner, appeals to DFD, DGBA, FNG, GF
committees
  administrative councils, cabinets, committees BM
  admission, review, dismissal (ARD) EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE, EIE, EIF, EKB, FOF
  attendance DGC, FEC
  board BDB, BDF
  curriculum development (design) EH
  gifted and talented, selection EHBB
  grade placement EIE
  language proficiency assessment EHBAB, EHBE, EIE, EKBA
  local school health advisory council (SHAC) BDF, BQ, EFA, EHAA, FFA
  nursing peer review DP
  parent BDF, BQ, BQA, BQB, EHAA, EHBD, FFA, GE
  placement review FOC
  planning and decision-making BQ, BQA, BQB, DNA, DNB
  special education advisory EHBH
communicable diseases DIA, DBB, EHAA, FFAD, FL
community
  access to programs, services, activities GA
  complaints GF
  conduct GKA
  distribution of literature GKDA
  public information requests GBA, GBAA
  representatives of patriotic societies GKE
  use of school facilities GKD
  visitors to facilities GKC
  volunteers GKG
community colleges, high school credit program EHDD
community involvement
  budget planning CE
  in board meetings BED
  instructional resources EF
  parent-teacher organizations GE
  planning and decision-making BQ, BQA, BQB
  policy development BF
  school health advisory council (SHAC) BDF, BQ, EHAA, FFA
  site-based decision-making BQ, BQA, BQB
  staff participation in community activities DGA
  volunteers in public schools GKG
  walking transportation programs CNA
comparability assurances EHBD
compensation and benefits
  board members BBG
  employees CRD, CRE, CRG, DE, DEA, DEAA, DEAB, DEB, DEC, DECA, DECB, DED, DEE, DEG
  superintendent BJCA
compensation for extra duties DEA, DEAA, DEAB, DK
compensatory instruction EHBC, EIE
compensatory time/pay, nonexempt employees DEAB
competitions, student FG, FM, FMF
competitive purchasing CBB, CH, CV, CVA, CVB, CVF
complaints/grievances
  against peace officers CKEA
  by personnel DGBA
  by public EFA, GF
  by student/parent FNG
  whistleblower complaints DG, DGBA
comprehensive guidance program DP, FFEA
compulsory attendance FEA, FED
concessions CDG, CFD
concussions DMA, FM, GKG
conditions of employment (*See* employment)
conduct
  on buses FO, FFFF
  on school premises, public GKA
  personnel DH
  students FNC, FNCA, FNCB, FNCC, FNCD, FNCE, FNCF, FNCG, FNCH, FNCI, FO
conferences and conventions
  board meeting videoconference calls BE
  board member attendance BBH
  disciplinary FOA, FOC, FOD
  parent EIA, FFC
  personnel DMA, DMD
confinement (*See* restraint of students)
conflict of interest
  board members CBB, BBFA, BBFB
  meal service COA

personnel CBB, DBD, DGA, DH
conservatorship, student CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
construction projects CH, CS, CV, CVA, CVB, CVC, CVD, CVE, CVF
consultants
access to student records FL
board, external BDE
bonds CCA
facilities CS
federal level lobbyists GR
outside consulting by staff DBD
procuring CH
consumer credit reports DBAA
contagious diseases (*See* communicable diseases)
contests for students FG, FM, FMF
continuing contracts
employment practices DC, DCC
reduction in force DFF, DFCA, DFFC
resignation DFE
return to probationary status DFAC
suspension/termination DFCA
contracting for instruction with outside agencies EEL, FFC, GN, GNA, GNB, GNC, GND, GNE
contractors and agents
aiding and abetting CJ
criminal history CJA
federal awards CBB
contracts
construction (*See* construction projects)
contingent fee for legal services CH
depository BBFA, BBFB, BDAE
employment BJC, DC, DCA, DCB, DCC, DCE, DK
food programs COA
outside services EEL
professionals (lawyer, engineer, auditor) BDD, CH
required provisions CH
resignation DFE
terminations (*See* termination, personnel)
controlled substances DBAA, DGC, DH, DHB, DHE, FNCF, FNF, FOB, FOC, FOD, FOF, GRAA
controversial issues EFA, EMB
controversial speakers EMB
cooperative purchasing agreements CBB, CH
coordinated health program BQ, EHAA
copyrighted material CY
corporal punishment FO
correspondence courses EHDE
counseling and guidance programs EHBH, FFB, FFBA, FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
county tax officials CCG
countywide appraisal district CCG, CCH
course credit EI, EIA, EIF, FEC
course offerings EHA, EHAA, EHAB, EHAC, EHAD
court-related students FFC
CPR (*See* cardiopulmonary resuscitation)
credit or final grade, award of EI, FEC
credit by exam
with prior instruction EHDB
without prior instruction EHDC
credit recovery EHDB, FEC, FFC
criminal activity, reports of DH, DHB, DHC, FL, FOD, GRA
criminal history record
contractors CJA
employees DBAA
volunteers GKG
crisis management/intervention CKC, FFB, FFBA, FFEB
crossing guards GRB
crowd control GKA
crowdfunding CDC
cultural institutions relations GKF
curriculum
development/design EH, EHA
elective instruction EHAD
enrichment EHAA
extended instructional programs EHDD, EHDE
college course work EHDD
distance learning EHDE
honors program EHBN
summer programs EHBC, EHBE, EHDA
travel study EHBM
foundation EHAA
innovative programs EHBJ
language other than English EHAB, EHAC
magnet schools and programs EHBJ
parental requests EHA
required instructional program EHAA, EHAB, EHAC
sex education EFA, EHAA
special programs
adult education EHBI
at-risk students EHBC, EIE, FDAA
bilingual education EHBE
career and technical education CNA, EEL EHBF, EIF
character education EHBK
community education EHBI
compensatory education EHBC, EIE
deaf or hearing-impaired BE, EHBA, EHBAA, EHBAB, EHBAC, EHBH, FBA
dual language program EHBE
English as a second language EHBE
gifted and talented EHBB
high school equivalency EHBL
homebound instruction EEH
prekindergarten EHBG
special education EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
Title I EHBD
custodial services CLB
custodian of records CPC, FL, GBA
cyberbullying CQ, FFH, FFI
cybersecurity CQB, DMA, EHAD, GBA

- D -

dairy products, purchase of COA
data management BBI, CPC, CQ, CQB
dating violence BQ, FFB, FFH
days of service DC
deaf or hearing-impaired BE, EHBA, EHBAA, EHBAB, EHBAC, EHBH, FBA
debt service
bonds CCA
certificates CCC
investments CDA
loans and notes CCF
reports CFA
revenue bonds CCD
tax rate and budget CCG, CE
warrants CCB
deductions/reductions, salary CFEA, CRG, DEA, DFFA
deferred compensation CFEA, CRG

defibrillators, automated external (AED) CH, CKD, DBA, DMA, FFAC, FM
delinquent taxes (*See* tax)
demonstrations and strikes DGA, FNCI, GKA
depository, bank BBFA, BBFB, BDAE
deputy voter registrar (*See* voter registrar)
destruction of records (*See* records)
detention (*See* discipline, student)
dextromethorphan FFAC
diabetes
management treatment plan FFAF
screening FFAA, FL
dietary supplements DH, FFAC, FM
diplomas EIF, FMH
directory information FL
disabilities (*See also* discrimination and harassment)
ADA (*See* Americans with Disabilities Act Amendments Act of 2008)
IDEA (Individuals with Disabilities Education Act) (*See* special education)
Section 504 (students) EHB, EHBH, EHDE, EIF, FB, FFC, FNG, FOF, GF
temporary (employees) DBB, DEC
disasters and catastrophes (*See also* emergencies)
ad valorem taxes CCG, CCGA
board meetings BE, BEC
drills (*See* drills, disaster)
emergency medical equipment and procedures CKD
emergency repairs CH, CLB, CV
financial exigency CEA
immunity for shelter workers DGC, GKG
pay provisions DEA
plans CKC
purchasing CH, CV
records GBA
suspension of public information requirements GBAA
waiver of contract and operational requirements DC, EB, FEB
disciplinary alternative education program (DAEP) (*See* discipline, student)
discipline, employee
board meetings BEC
conflicts of interest CBB
contract termination (*See* termination, personnel)
dismissal DCD
prohibitions and protections DEC, DG
standards of conduct DH
discipline, student
board meetings BEC
campus behavior coordinator (CBC) FO, FOA
code of conduct FN, FNC, FO
corporal punishment FO
county juvenile board FODA
detention FO
disciplinary alternative education program (DAEP), placement in FOC
discipline management program BQ, FNC, FO, FOB, FOC, FOD, FOE
discipline management techniques DMA, FO
due process, student discipline FOD, FOE, FOF
emergency placement FOE
expulsion FOD, FODA, FOE
extracurricular standards of behavior FO
fraternities, gangs, sororities, and other secret organizations FNCC
juvenile justice system FODA
notice to parents FO, FOA, FOC, FOCA, FOD, FOE
records FL, FO
removal by bus driver or teacher FOA
suspension FM, FO, FOB
training DMA
with disabilities EHBA, FOF
disclosure, conflict of interest (*See* conflict of interest)
disclosure of interested parties CH
discretionary personal leave (*See* leaves and absences, employees)
discrimination and harassment
bankruptcy DAA
complaint procedures DGBA, DH, DIA, FFH, FNG, GF
employment DAA, DAB, DAC, DECA, DH, DIA
Genetic Information Nondiscrimination Act (GINA) DAB, DECA
interns DIA
programs and services CS, DAA, DIA, FB, GA
Religious Freedom Restoration Act (RFRA) GA
student EHBA, FB, FD, FDA, FDAA, FFH, FNA
Title IX DAA, DIA, DGBA, FB, FFH, FNG
dismissal, early (of school day) EC
dismissal, employees (*See also* termination, personnel) DCD
disorderly student conduct (*See* conduct: students)
disposal
buses CNB
equipment and supplies (*See* equipment and supplies)
instructional materials CMD
law enforcement vehicles CI
personal property CI
real property CDB, CDBA
dispute resolution, homeless students FDC
disruptions
of board meetings BED
of instruction EC, EKB, FNCI, GKA
distance learning EHDE
distinguished achievement program EIC, EIF
distribution of equipment (*See* equipment and supplies)
distribution of printed material CPAB, FMA, FNAA, GKDA
district-level planning and decision-making process BQ, BQA
district teaching permit DBA
districts of innovation (*See* innovation districts)
dogs, searches DHE, FNF
donations
by district CE, CO
to district CDC, GE
of leave (*See* leaves and absences, employees)
DOT (U.S. Department of Transportation) DHE
dress and personal grooming
personnel DH
student FNCA
uniforms FNCA
drills, disaster CKC
driver education EHAD
drivers DBA, DBAA, DBB, DBE, DHE
drones GKA
dropout prevention/reduction BQA, BQB, EHBC
dropout recovery program GNC
dropout recovery interventions AIC
Drug-Free Schools Act DH, FNCF
Drug-Free Workplace Act DH
drug screening/testing
athletes/students FNF
bus drivers DHE
employees DHE
drug searches by trained dogs DHE, FNF
dual contracts DCB, DK
dual credit EHDD

dual language immersion program (DLIP) EHBE
due process
complaints alleging violation of constitutional rights DGBA, FNG, GF
contracts BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD
student (*See* discipline, student)
dues, membership for professional organizations CFEA
duplicating and printing CPAA, FL, GBAA
duty-free lunch DL
duty schedule DK
dyslexia and related disorders BQ, EHB, EHBC, EIE, EKB, EKC, EL

- E -

early graduation EI, EIC, EIF, FMH
early mental health intervention BQ, DMA, FFB, FFEB
early voting (*See* elections)
early voting clerk (*See* elections)
e-cigarettes (*See* electronic cigarettes)
ECPA (*See* Electronic Communication Privacy Act)
EDGAR (*See* Education Department General Administrative Regulations)
education agency relations
regional service center GNB
state agency GND
voluntary accreditation agency GNE
Education Department General Administrative Regulations CB, CBB
education media and service centers GNB
education service centers
board member training BBD
generally GNB
participation in GNB
educational philosophy AE
educational program access EHA
educational specifications, facilities CS
educator certification/credentials DBA, DCB, DFBB, DK, DPB
educator excellence innovation program (EEIP) DEAA
EEIP (*See* educator excellence innovation program)
elections
board members BBB, BBBA, BBBB, BBBC, BBBD
board officers BDAA
clerks BBBA, EIA, FEA, FEB, FEC
early BBBA
student government FMB
electioneering BBBA, BBBD, CCA
elective instruction (*See* curriculum)
electronic bids and proposals CH
electronic cigarettes BDF, DH, EHAA, FNCD, GKA, GKD
electronic communication BBI, CQ, CQB, DH, FNCE
Electronic Communication Privacy Act (ECPA) CQ
electronic courses, defined EHDE
electronic devices, possession or use of CQ, FNCE
electronic storage CQ
electronic textbook CMD, EFA
elementary instruction, required (*See* curriculum)
emergencies (*See also* catastrophes and disasters)
board meetings BE, BEC
budget CE
bus emergency evacuation training CNC
contractor access CJA
crisis intervention, students FFB
first aid CKD, FFAC
immunity for shelter workers DGC, GKG
management GRC
medical equipment and procedures CKD
permits, employment DBA
pipeline emergency response plan CS
placement, student discipline FOE
plans and procedures, drills CK, CKC
records, student in health or safety emergency FL
removals, students FFH
repairs CH, CLB, CV
school closings CKC
suicide attempts/threats FFB, FFEB
volunteer emergency services personnel GKA
emotionally disturbed students (*See also* special education) FFB, FFEB
employees (*See* personnel)
employment
after retirement DC
aiding and abetting CJ, DC
application DC
annualized salary DEA
architects and engineers (*See* architects and engineers)
benefits CRD, CRE, CRG, DE, DEA, DEAA, DEAB, DEB, DEC, DECA, DECB, DED, DEE, DEG
board members, former BBC, DC
conflict of interest DBD
contracts BJC, DC, DCA, DCB, DCC, DCE, DK
credentials and records DBA, DK
criminal history record DBAA
furlough program DEA
hiring
at-will (noncontractual) DC, DCD
authority BJA, DC
contractual DC, DCA, DCB, DCC, DCE
internal auditor CFC, DC
nepotism (*See* nepotism)
practices DAC, DC
superintendent BJB
medical examinations, screenings DBB, DEC, DECA
outside consultants BDE
residency requirements DB
restrictions
on employing/assigning relatives of personnel DC, DK
on nonschool employment DBD
nepotism (*See* nepotism)
status
at-will DC, DCD
continuing contract DC, DCC
leave (*See* leaves and absences, employees)
non-Chapter 21 contract DC, DCE
noncontract DC, DCD
probationary DC, DCA
reasonable assurance CRF
return to probationary status DFAC
temporary teacher contract DC, DCB, DPB
term contract (educator) DC, DCB
vacancies DC
end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
endorsements, graduation plan EIF
energy conservation CH, CL
engineers and architects selection BEC, CBB, CH, CS, CV, CVA, CVB, CVC, CVD, CVE, CVF
English as a second language EHBE
English language learners EHBC, EHBE, EHBF, EHBG, EIE, EKB, EKBA
enrichment curriculum (*See also* curriculum) EHAA

enrollment
age and residence requirements FD, FDA
by attendance zone FC, FDB
expelled transfer students FD, FOD
health requirements FD, FFAA, FFAB
immunizations FD, FDD, FFAB
transfers from other districts FDA
tuition EHBG, FDA
voluntary, students 19 and over FEA
epinephrine auto-injectors CKEA, FFAC, FFAF
Equal Access Act FNAB, GKD
equal educational opportunities EHBA, FB
equal employment opportunities DAA, DAB, DAC, DIA
equipment and supplies
borrowing/loaning CMB, CQC, DG
disposal/sales CI
distribution CM, CMA, CMB, CMD
equipment maintenance CLB
insurance program CR, CRA, CRB
inventory CBB, CFB, CMA
leasing CMB
receiving/warehousing CMA
repair CLB
ESSA (*See* Every Student Succeeds Act)
E-rate CQ
ethics
board members BBBD, BBF, BBFA, BBFB, CAA, CBB
financial CAA
personnel CAA, CBB, DBD, DH
evacuation diagrams CKC
evaluation
administrative goals and objectives BI
board self-evaluation BG
campus charter and program charter schools EL, ELA
existing facilities CS
personnel DN, DNA, DNB
programs BQ
superintendent BJCD
Every Student Succeeds Act (ESSA)
credentials, personnel DBA, DK, EHBD
migratory child EEB
parent and family engagement BQ
recruiters, military FL, GKC
school restructuring AIC, EHBD
student/parent rights EF
technology CQ
examinations/assessments
for acceleration EHDC
credit by examination
with prior instruction EHDB
without prior instruction EHDC
final EIAA
state-mandated EKB
exchange students FD, FDA, EIF
executive session (*See* board meetings)
exempt/nonexempt personnel DEA
exit interviews DC
exit-level assessment EI, EIF, EKB, FMH
expenditures of funds CE, CFD
expense reimbursement
board members BBG, DEE
personnel DEE
superintendent BJCA
expulsion of students (*See* discipline, student)
extended instructional programs EB, EHBA, EHBC, EHDA, EIE
extracurricular activities
absences FM
attendance accounting FEB
concussions FM
eligibility EHBL, FM, FOA, FOC
fees FP
generally FM
immunity, volunteers GKG
safety training, employees DMA
standards of behavior FO
students who are homeless or in foster care FFC
suspension and reinstatement FM
transportation to CNA, FMG
eye-protective devices CKB

- F -

facilities
community use of GKB, GKD
naming CW
planning and construction CS, CT, CV, CVA, CVB, CVC, CVD, CVE, CVF
portable buildings CS
standards CS
faculty advisory council BQA, BQB
Fair Labor Standards Act (FLSA) DEAB
falsification of records (*See* ethics)
Family Educational Rights and Privacy Act (FERPA) FL
Family and Medical Leave Act (FMLA) (*See* leaves and absences, employees)
FAPE (*See* Free Appropriate Public Education)
federal funds CBB, EHBD
Federal Gun-Free Schools Act FNCG, FOD
Federal Gun Free School Zones Act GKA
fees, fines, and dues
copies of records FL, GBAA
student FP
transcript FL
tuition EHBG, FDA
felony offenses BBA, BBC, CJA, DBAA, DF, DH, DHB, DHC, DP, FFG, FNCC, FOC, FOD, FODA, FOE, GKA, GRAA
FERPA (*See* Family Educational Rights and Privacy Act)
field trips CNC, FNG, FMG
filling employment vacancies DC
final examinations EIAA
finality of grades EIE, DGBA, FNG
finance
foundation school program CBA
fund balance CE
financial accountability rating system CFC
financial ethics BBBD, BBFA, BBFB, CAA, CBB, DBD
financial exigency BJC, BJCG, CEA, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA
financial reports and statements BR, CFA, CFC
firearms CNC, DH, EHAD, FNCG, FOC, FOD, GKA
firearm accident prevention program CKEC
fire drills CKB, CKC
fireworks GKA
first aid CKD, FFAC
First Amendment BED, CPAB, DG, EMI, FMA, FNA, FNAA, GKDA
fiscal management CA, CAA
fiscal year CE
fixed assets CFB
flag display CLE
FLSA (*See* Fair Labor Standards Act)

FMLA (*See* leaves and absences, employees)
food allergy management plan FFAF
food service
conflicts of interest COA
free and reduced-price COB
food donation CO
meal programs COB
nutrition standards CO, FFA
procurement COA
unpaid meal charges CO
vending/food dispensing machines CFD, COC, FFA
foreign exchange students FD, FDA, EIF
foreign language instruction (*See* curriculum)
foster care CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
foundation curriculum (*See also* curriculum) EHAA
foundation high school program EIF
foundation school program (*See also* finance) CBA
four-year-olds EHBG, FD
fraud (*See* ethics)
Free Appropriate Public Education (FAPE) EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
free and reduced-price meals program (*See* food service)
freedom of association DGA
free speech (*See* First Amendment)
fringe benefits (*See* employment: benefits)
fund balance (*See* finance)
fundraising activities CDC, CO, FJ, GKB
furlough, gifted and talented EHBB
furlough program, employees DEA

- G -

gangs, gang-related activities FNCC
gate receipts CDG
GED (*See* general equivalency diploma)
gender-based harassment DAA, DIA, FB, FFH, FNC
general educational development EHBC, EHBL
general equivalency diploma (GED) EHBL, FD, FEA
Genetic Information Nondiscrimination Act (GINA) DAB, DECA
geographic boundaries AC
gifted and talented student programs EHBB
gifts
bequests to the district BAA, CDC
board members BAA, BBFA, BBFB, BBG, EFA
employees CAA, CDC, DBD, DHA
instructional materials BBFB, EFA
public CDC
special education video/audio equipment EHBAF
student CFD
GINA (*See* Genetic Information Nondiscrimination Act)
goals and objectives
administration BI
board BG
district AE
government, student FMB
grade advancement testing EIE
GPA (*See* grades)
grade placement committee (GPC) EIE
grades
class rank EIC
computation EIA, EIC
credit or final grade, award of EI, FEC
end-of-course (EOC) assessments (*See* end-of-course (EOC) assessments)
finality of EIA, DGBA, FNG
guidelines EIA
partial credit EI
recording/reporting to parents EIA
graduation
assessments EKB
early EI, EIC, EIF, FMH
endorsements EIF
exercises FMH
honor graduates EIC
individual graduation committee (IGC) EIF, EKB
of student in conservatorship of DFPS EIF
prayer FMH, FNA
ranking of graduates EIC
requirements EIF
special education students EIF, FMH
grandparent (resident caretaker) CNA, CO, FD
grants
classroom supply reimbursement DEE
employment related DEAA
federally funded CBB
prekindergarten expansion EHBG
public education (PEG) FDAA
student FFEA
technology lending grant program CQC
tobacco education grant funds CH
grievance procedures (*See* complaints/grievances)
grooming standards DH, FNCA
grounds management CLB
group health and life insurance CR, CRD
grouping for instruction EEA
guest speakers GKC, GKE
guidance program
academic FFEA
student assistance/counseling EHBH, FFB, FFBA, FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
guns (*See also* discipline, student) CKC, CKE, CKEA, CKEB, CKEC, DH, EHAD, FNCG, GKA

- H -

handbooks
administrative regulations BP
student FN
harassment (*See* discrimination and harassment)
hate literature FNAA, GKDA
Hazard Communication Act DI
hazardous routes CNA
hazing FFI, FNCC, FOD
health
administering medication FFAC, FFAF
care plans FFAF
communicable diseases DIA, DBB, EHAA, FFAD, FL
examinations/screenings
diabetes FFAA
drug/alcohol DHE, FNF
dyslexia EHB
hearing and vision, scoliosis FFAA
personnel DBB, DHE
student health FFAA
immunizations FFAB
insurance CRD, FFD
mental health BQ, DMA, FFB, FFEB

services DBB, FFA, FFAA, FFAC, FFAF
school-based health centers FFAE
wellness policy, student FFA
Health Information Portability Accountability Act (HIPAA) DAB, CRD
hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
hearing impaired BE, EHBA, EHBAA, EHBAB, EHBAC, EHBH, FBA
hearings
challenging content of student records FL
complaints/grievances DGBA, FNG, GF
employment related BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DGBA
independent hearing examiner (*See* hearing examiners)
public hearings AF, AIB, AIC, CCG, CDB, CE, CFA, CKC, CQ, DEA, EFB, EHBC, EHBL, EL, ELA, GKA
student discipline FOD, FOE, FOF
higher education visits FEA
High School Equivalency Program (HSEP) EHBL
highly mobile students FFC
HIPAA (*See* Health Information Portability Accountability Act)
hiring
at-will (noncontractual) DC, DCD
authority BJA, DC
contractual DC, DCA, DCB, DCC, DCE
internal auditor CFC, DC
nepotism (*See* nepotism)
practices DAC, DC
superintendent BJB
HIV (*See* communicable diseases)
holidays and vacations
personnel DED
religious holidays DEC, FEA, FEB
school vacations EB
holdover doctrine BBC, DBE
homebound instruction EEH, EHBA
homeland security BEC, CKC, FD, GRC
homeless students CNA, EHBAB, EHBC, EHBD, EHDC, EI, FB, FD, FDC, FFAB, FFC
home-rule school district or charter AG
homeschool students EHBAA, FD, FEA
homework EIA
honor graduates EIC
honors courses EHBN, EIC
hours of school day EC
HSEP (*See* High School Equivalency Program)
human sexuality education EFA, EHAA
hunter safety education EHAD
hurricanes (*See* catastrophes and disasters *and* emergencies)

- I -

IDEA (Individuals with Disabilities Education Act) EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
illness
personnel DBB, DEC, DECA
student FEC, FFAC, FFAD
immunity (*See* liability)
immunizations FD, FFAB
incentives BQB, DEAA, DEC
inclement weather procedures (*See* also catastrophes and disasters) CKC
income tax, salary deductions for CFEA
increments, salary DEA
independent auditors CFC
independent hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
individual graduation committee (IGC) EIF, EKB
individualized education program (IEP) EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
individualized health-care plan FFAF
individualized services plan EHBAC
infection control officer GRC
infrastructure partnerships CDH
information (*See* records)
innovation districts AF
innovative programs EHBJ
inoculations FFAB
inspections, district
district vehicles CNB
facility CS, CV
maintenance CLB
safety CKA
instructional arrangements EE, EEA, EEB, EEC, EED, EEH, EEJ, EEL, EEM, EEP
instructional contracts with outside agencies EEL, EHBA, EHBAC
instructional day EC
instructional facilities allotment CBA, CCA, CS
instruction facilities design CS
instructional goals and objectives (*See* instructional program)
instructional materials
accelerated instruction EKB
allotment CMD
college preparatory courses EHBC
complaints concerning EF
conflict of interest BBFB, DBD, EFA
copyrighted material CY
generally CMD, EFA
lesson plans EEP
library, media center EFB
parental access to EF, EHAA, FNG
responsibility for CMD, DG
selection and adoption BBFB, DBD, EF, EFA
instructional program (*See also* special programs)
college course work EHDD
curriculum (*See* curriculum)
disciplinary alternative education program FOCA
distance learning EHDE
evaluation of BQ, BQA, BQB
extended instructional program EB, EHBA, EHBC, EHDA, EIE
goals and objectives BQ, BQA, BQB, EA
innovative and magnet programs EHBJ
organization of instruction ED
required instructional program EHAA, EHAB, EHAC
insurance
construction CV
deductions/reductions from salary CFEA
generally CR
Health Insurance Portability and Accountability Act (HIPAA) DAB, CRD
health, life, disability CRD
liability CRB
property CR, CRA
retiree contributions DEA
student FFD
unemployment CRF
workers' compensation CRE, CV

intellectual property rights CY
intensive math and science program EHBC
interlocal agreements CH, CNA, CRB, CRE, CV, CVF, GRB
internal auditor CFC, DC
international baccalaureate program DK, EHDD, EIC, EIF, EK, FM
internet (*See also* website postings)
  board meetings BE
  Children's Internet Protection Act CQ
  posting CQA
  use of, by board members BBI
  use of, by employees/students CQ, FNCE
intern program DBA, DIA
interruption of instruction EC, EKB, FNCI, GKA
interscholastic activities/athletics FM, FMF, GKA
Interstate Compact on Educational Opportunity for Military Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL, FM
intoxicants BBC, BJCF, DFBB, DH, DHE, FNCF, FNF, FOC, FOD, FOF, GKA, GKD
intramural sports FMF
intrastate pipeline emergency response plan CS
inventories CFB
investments CDA

- J -

job order contracts CVF
JROTC program CG, DBA, EEL, EHAD, EIF
junior colleges, high school credit program EHDD
jurisdiction
  district, over students FNC, FO
  peace officers CKE, CKEA
jury duty DEC, DG
juvenile justice system (*See* discipline, student)
juvenile case manager, compulsory attendance FED
juvenile residential facilities EEM
juvenile service providers FL, GRAC

- K -

key control CLA
kindergarten
  acceleration EHDC
  class size EEB
  eligibility FD
  instructional requirements EHAB
  progress reports EIA
  retention EIE
  school day EC
knives DH, FNCG, GKA

- L -

labor organizations DGA, DGB
land, sale of BAA, CDB, CDBA
language other than English (*See* curriculum)
law enforcement
  agencies GRAA
  district peace officers CKE, CKEA, GKA
  officers on district property GKA, GRA
  records FL, GRAA
  reports to and from GRAA
  school resource officers CKE, CKEC, GKA
  vehicles CI
lay-offs (*See* reduction in force)
learning disabilities (*See* special education)
leasing and renting
  authority BAA, GKD
  buses CH, CNB
  charges by district CDD, GKD
  commitment of funds CE
  equipment and supplies (*See* equipment and supplies)
  facilities, buildings, and grounds CDB, GKD
  lease-purchase agreement CHG, CL
  prekindergarten facilities EHBG
  lease of real property by the district CE, CHG, CX
leaves and absences, employees
  assault (recuperative leave) DEC
  bereavement leave DEC
  concurrent use of DEC
  continuation of health benefits CRD
  discretionary use of DEC
  donations of leave DEC
  extended DEC
  family and medical leave (FML) CRD, DEC, DECA
  infant care/child adoption DEC, DECA
  intermittent leave DEC, DECA
  mandatory court appearances/jury duty DEC
  maternity leave DEC, DECA
  military leave/reserve duty CRD, DAA, DEC, DECA, DECB
  nondiscretionary use of DEC
  offsetting paid leave benefits CRE, DEC
  on-the-job injury CRE, DEC
  payment for unused leave DEC
  personal illness DEC, DECA
  personal leave DEC
  professional development leave DEC
  qualifying exigency DECA
  sabbatical study/leave DEC
  state personal leave DEC
  state sick leave DEC
  temporary disability DEC
leaving campus, students
  illness/medical appointments FEB, FEC, FFAC
  lunch FEE
  parental permission FEB
  private lessons FEF
legal services BDD
LEP (*See* Limited English Proficiency)
lesson plans EEP
liability
  administering medication/medical services FFAC, FFAF, FFEB, FM
  board members BBE
  charter programs EL
  child abuse reports FFG
  construction CV
  copyright CY
  federal securities law CCA
  immunizations FFAB
  insurance CR, CRB, FFD
  monitoring, interventions/sanctions AIC
  parents/students FD, FEA, FNCB

school personnel CRB, DG, DGC, DHB, DHC, FFAC, FFG, FOE, GRA
volunteers FFAC, GKG, GRAA
liaisons for students FFC
libel FNAA, GKDA
library-media center EF, EFB
lice FEC, FFAA
life insurance CR, CRD
life skills programs EHAD
Limited English Proficiency (LEP) (See English language learners)
limited open forum FNAB
lobbying (restrictions) BBBD, CH
Local Government Records Act CPC
local health education and health-care advisory council FFAE
local government relations GRA
local tax revenues CCG, CCGA, CCGB
locker searches DHE, FNF
loitering GKA
loss control CK, CKA, CKB, CKC
LPAC (Language Proficiency Assessment Committee) EHBE, EIE, EKBA
lunchroom maintenance CLB

- M -

McKinney-Vento Homeless Education Assistance Improvements Act of 2001 CNA, EHBD, EHBF, FD, FDC, FFAB, FFC
mail service CPAB
maintenance
bus maintenance CNB, CNBA
changes and alterations CLB
manifestation determination (IDEA) EHBAE, FFC, FOF
married students FND
marshal, school CKE, CKEB, GBA
master teachers DEAA
maternity leave (*See* leaves and absences, employees)
meal service (*See* food service)
media and service centers, regional GNB
medical examinations DBB, DEC, DECA, DHE, FFAA, FFAE
medical insurance CR, CRD, FFD
medical treatment FFAC, FFAE
Medicare CFEA, CRD
medication FFAC, FFAF
meeting notice BE, BEC, CCG
meetings (*See* board meetings *and* public hearings *and* public meetings)
memorials CDC, CW
mental health intervention and promotion BQ, DMA, FFB, FFEB
mentoring DBA, DEAA, EHBC, FEB, GKG
metal detectors FNF, GKA
microfilm CPC, FL, GB, GBAA
migrant students EHBAA, FEC, FFC
mileage reimbursement BBG, BJCA, DEE
military
dependents FD, FDD
discharge records GBA
instruction (JROTC) CG, EEL, EHAD, EIF
leave (*See* leaves and absences, employees)
recruiters FL, GKC
minerals, sale of BAA, BDAA, CDB
minimum high school program EIF
minimum salary schedule DEA
minutes of board meetings BE
mission statement, district AE
mobile telephones FNCE
modified duty DK
mold damage remediation CL, CRB
moment of silence EC
moral turpitude BJCF, CH, CJA, DBAA, DF, DFBB, DH
multihazard emergency operations plan CKC
music program EHAC, EMI, FM

- N -

name, changing district AB
National Honor Society FG
National School Lunch and Breakfast Programs COB
neighborhood schools EL
nepotism BBFB, CCH, DBE, DC, DCD, DK
new facilities, naming/dedication (*See* facilities: naming)
new hire reporting DC
new instructional facilities allotment CBA
news releases and official spokesperson GBBA
newspaper
public notices GC
school distribution of FMA
noncertified personnel DBA, DBAA, DCD, DCE, DF, DHC, DK, DP, DPB
noncontract employment DC, DCD
nondiscretionary personal leave (*See* leaves and absences, employees)
nondiscrimination (See discrimination and harassment)
nonschool activities FNAB
nonprofit organizations GE, GKD
nonpublic information FL, GBA, GBAA
nonrenewal, term contract BJCF, DFBB, DFFB
nonresident students FD, FDA
nonservice animals EMG
nonschool employment DBD
nonschool literature FNAA, GKDA
nonschool use of school facilities GKD
No Pass, No Play FM
notice of vacancies DC
notice to newspaper GC
notice to SBEC DF, DFE, DHB
nursing mothers DG

- O -

oath of office BBBB
objective criteria for personnel decisions DAC
obscenity DH, FMA, FNAA, FNCA, GKDA
office management
communications CPA
computer technology BBI, CQ, CY
mail delivery CPAB
printing CPAA
records and reports CPC
telephone CPAC
officer
attendance FED
board of trustees BDAA

peace/police/school resource CKE, CKEA, CKEC, DEB, EHAC
public information (records) CPC, GBA, GBAA
public information coordinator BBD, CPC, GBAA
offsetting paid leave benefits (*See* leaves and absences, employees)
open campus FEE
open enrollment FDB
open-enrollment charter school AF, AG, AH, CDB, EL, ELA
open meetings (*See* board meetings)
open records GBA, GBAA
operations, maintenance CLB
opioid antagonist medication FFAC
Optional Flexible Year Program (*See* extended instructional programs)
organization charts BKA
organizations
booster clubs GE
business, civic, and youth groups GKE
other schools and/or districts, relations with FD, FDA, GNA
outside agencies, instructional contracts with EEL
parent organizations GE
personnel DGA, DGB
educational entities GNA, GNB, GNC, GND, GNE
governmental entities GR, GRA, GRAA, GRAC, GRC
student FM, FMB, FNAB, FNCC
orientation/training
board members BBD
employees, including substitutes CKC, DMA
outside employment DBD, DECA
overtime DEA, DEAB

- P -

paging devices FNCE
paperwork reduction BAA, DLB
paraprofessional personnel
certification DBA
dismissal DCD
hiring DC, DCD
Paraprofessional Day EHBK
reasonable assurance of re-employment CRF
parent and family engagement
advisory committee, deaf or hard of hearing EHBH
campus-level planning committee BQB
citizen advisory committees BDF
conferences EIA
discipline management FNC, FO, FOC, FOCA, FOD, FODA, FOE
district-level planning committee BQA
parent and family engagement plan EHBD
parent-teacher organizations GE
school health advisory council (SHAC) EHAA
special education EHB, EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
wellness EHAA, FFA
parent notification
accreditation AIA
accountability interventions and sanctions AIC
asbestos management plan CKA
attendance FEA
audiobooks EHB
automatic admission EIC
bomb/terroristic threats CKC
bullying FFI
career and technology insurance program CRB
college credit and distance learning programs EHDD, EHDE
cybersecurity breach CQB
dyslexia and related disorders EHB
educator misconduct FFF
grade advancement requirements and accelerated instruction EIE
graduation requirements EIF
law enforcement investigations GRA
medical screenings FFAA
medication administration FFAC
mental health services, consent FFEB
nondiscrimination FFH
pesticide application CLB, FD
public education grants FDAA
school community guidance center, consent FFC
school safety transfers FDE
standardized testing results EKB
student discipline FO, FOC, FOD, FOF
student surveys EF
student records FL
uncertified substitutes DBA, DK, DPB
unpaid meal charges CO
video and audio monitoring FO
violent criminal offenses, student victims FDE
parental rights (*See also* students: rights)
access to board meetings BE, FNG
access to instructional materials EF, EHAA, FNG
access to student records FL
consent to counseling of student FFB, FFC, FFEA, FFEB, FFG
instructional programs EHA, EHAA, FNG
student placement FDB, FNG
parenting and paternity awareness program EHAC
parking controls CLC, FFFD
parochial schools FD
partial credit EI
partnership charters EL, ELA
part-time employees CRD, DEC, DPB
pass/fail courses EHAD
patents CY
patriotic societies GKD
payment procedures CHF
payroll procedures CFE, CFEA, DEA
peace/police officers CKE, CKEA, DEB, EHAC
pediculosis (*See* lice)
PEG (*See* public education grant program)
PEIMS (*See* Public Education Information Management System)
performance bonds CL, CV, CVD, CVE, CVF
performance report, district AIB, BAA, BJCD, BQA, CQA, FOC
performances, student FME, FMF
permits
student work FEF
teaching, issued by school district DBA
visitors GKC
persistently dangerous FDE
personal graduation plan EIF
personal leave (*See* leaves and absences, employees)
personal property
disposal CI
financing CHH
purchases BAA, CCA, CH, CHG, CV
records GBA

personnel (*See also* paraprofessional personnel *and* professional personnel *and* support staff)
absences DEC, DED, DFE, DMD
appraisals BJCD, DN, DNA, DNB
assignment/transfers BJA, DK, DP
compensation DEA, DEAB
complaints/grievances DGBA
code of ethics CAA, CBB, DBD, DH
conduct (*See* conduct: personnel)
conflicts of interest CBB, DBD, DGA, DH
credentials and records DBA, DK
criminal history record DBAA
development DM, DMA, DMC, DMD
exempt/nonexempt DEA, DEAB
expense reimbursement DEE
fringe benefits (*See* employment: benefits)
gifts and solicitations (*See* gifts*)*
health examinations DBB, DHE, DEC, DECA
illness DBB, DEC, DECA
insurance CRD
involvement
decision-making BQ, BQA, BQB
participation at board meetings BED
policy development BF
school health advisory council BDF
wellness program FFA
jury duty DEC, DG
leaves and absences (*See* leaves and absences, employees)
liability CRB, DG, DGC, DHB, DHC, FFAC, FFG, FOE, GRA
medical examinations DBB, DHE, DEC, DECA
nonschool employment DBD
objective hiring criteria DAC
orientation DC, DMA, DPB
organizations CFEA, CPAB, DGA
overtime pay (nonexempt) DEA, DEAB
nonschool employment DBD
paid holidays DED
part-time and temporary employment CRD, DEC, DPB
participation in community/political activities DGA, GE
qualifications BJA, DBA, DP
records
confidential, access to DBA, FL, GBA, GBAA
credentials DBA
custodian of DBA, FL, GBA, GBAA
management officer CPC
requests for copies GBAA
recruitment DC
relations with students DH, FFH
resignation DFE
retirement DEG
rights and privileges DG, DGA, DGB, DGBA
salary deductions/reductions CFEA, CRG
searches DHE
staff development DMA, DMC
staff meetings DLA
standards of conduct (*See* conduct: personnel)
temporary and part-time employment CRD, DEC, DPB
transfer DK
vacancies, employment DC
vacation DED
welfare DI
work load/schedules DK, DL
personnel-student relations DH, DIA, FFH
pest control program CLB, DI, FD
petty cash accounts CHB
PGP (*See* personal graduation plan)
phones, cellular FNCE
physical education
fees FP
requirements EHAA, EHAB, EHAC, EHBG, EIF, FB
student-to-teacher ratios EEB, EHAA
use of facilities CX
physical examination DBB, DEC, DECA, DHE, FFAA, FFAE
physical fitness assessment FFAA
physical restraint, student FO, FOF
placement
alternative setting FOA, FOC, FOCA, FOE, FOF
highly mobile students FFC
homeschool students FD
military dependent students FDD
transfer students FD, FDA
placement review committee FOA, FOD, FOE
plagiarism EIA
planning and preparation time DL
planning process BQ, BQA, BQB
playgrounds CS
pledge of allegiance EC
police on school premises CKE, CKEA, CKEC, GKA, GRA
policy system
attorney involvement BDD
community involvement BF, BQA, BQB
development, adoption, amendment, distribution, review BF
implementation through regulation BP, FN
staff involvement BF, BQA, BQB
student involvement FNB
superintendent authority for recommendations BJA
political activities BBBD, CPAB, DGA, GKD
political advertising BBBD, CCA, CPAB, GKB
politics, participation in DGA, DH
pool drains CL
portable buildings CS
possession/use, alcohol and drugs DH, DHE, FNCF, FNF, FOA, FOCA, FOD, FOE, FOF, GKA
postings, required website CQA
postsecondary instructional program, fees FP
power of attorney FD
prayer EC, EMI, FMH, FN, FNA, FNAB
pregnant students EHBC, FB, FED, FFAB, FFAC, FNE
prekindergarten EEB, EEL, EHBC, EHBG
prevailing wage CV
prevention, dropout BQA, BQB, EHBC
principals
performance incentive BQB
qualifications DP
evaluation DNB
printing and duplicating CPAA, FL, GBAA
prior review FNAA, GKDA
private lessons/tutoring DBD, FEF
private school students FD, FEA
private vehicles, use of CLC, CNA, FFFD, FMG
probationary contracts
employment practices DC, DCA
resignation DFE
suspension/termination during contract DFAA
termination at end of year DFAB
probationary status, return to DFAC
professional conduct/ethics (*See* conduct: personnel)
professional development
board member BBD
personnel DM, DMA, DMC, DMD
superintendent BJA, BJCB
professional leaves and absences (*See* leaves and absences, employees)

professional meetings DLA, DMD
professional organizations
dues CFEA
participation in DGA, DGB
use of facilities DGA
professional personnel (*See also* personnel)
academic freedom EMA, EMB
appraisals BJCD, DN, DNA, DNB
compensation DEA, DEAA, DEAB, DK
consulting BJCC
continuing contracts DCC, DFAC, DFC, DFCA, DFE, DFFC
contract nonrenewal BJCF, DFBB, DFFB, DFD
contracts BJC, DC, DCA, DCB, DCC, DCE, DK
ethics, including financial CAA, CBB, DBD, DH
hearings before hearing examiner BJCE, DFBB, DFD, DFFA, DFFB, DFFC
hiring BJB, DC, DCA, DCB, DCC, DCE
leaves and absences (*See* leaves and absences, employees)
noncertified personnel DBA, DBAA, DCD, DCE, DF, DHC, DK, DP, DPB
non-Chapter 21 contract DCE
principals, qualifications/duties DP
probationary contract DC, DCA, DFAA, DFAB, DFAC, DFE
probationary status, return to DFAC
qualifications/credentials DBA, DK, DPB, EHBD
reassignment DK
reduction in force DFF
continuing contracts DFCA, DFFC
financial exigency BJC, BJCG, CEA, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA
program change DFFB
resignation BJCG, DFE
retirement BJCG, DEG
sabbaticals DEC
superintendent BJA
supplemental duty DEAA, DK
suspension DFAA, DFBA, DFCA
term contract DC, DCB, DFBA, DFBB
termination DF, DFA, DFAA, DFAB, DFAC, DFBA, DFBB, DFCA, DFD, DFFA, DFFB, DFFC
professional services, purchasing CH, CV
program change DFFB
programs, special (*See* curriculum: special programs)
prohibited weapons DH, FNCG, GKA
promotion and retention, students EIE
property
board authority BAA
care of school CLA, CLB, FNCB
equipment (*See* equipment and supplies)
federal awards CBB
insurance CR, CRA
intellectual property CY
lease by the district CE, CHG, CX
personal property
disposal CI
financing CHH
purchases BAA, CCA, CH, CHG, CV
prohibited use of resources CE
real property
acquisition BAA, CHG
disposal of CDB, CDBA
lease to others CDB, CX
open meeting exception BEC
revenue bonds from proceeds CDBA
sale or exchange CDB
substantial interest, conflict BBFA
records GBA
protected health information (PHI) CRD, DAB, FL, GBA
psychological services/testing DP, EHBA, EHBAA, EHBAE, EHBH, FFAC, FFB, FFC, FFE, FFEB, FFG
psychotropics FFAC, FFEB, FFG
publications
distribution CPAB, FMA, FNAA, GKDA
news releases GBBA
prior review/nonschool-sponsored FNAA, GKDA
public complaints GF
public education grant (PEG) program FDAA
Public Education Information Management System (PEIMS) CBA
public facilities corporations CDH
Public Funds Investment Act CDA
public gifts (*See* gifts)
public hearings AF, AIB, AIC, CCG, CDB, CE, CFA, CKC, CQ, DEA, EFB, EHBC, EHBL, EL, ELA, GKA
public information GBA, GBAA
Public Information Chapter of Government Code GBA, GBAA
public meetings AF, AIA, BDAA, BE, BED, BQA, BQB, CBB, CCA, CCG, CE, CFA, CH, CNC, CVA, DEA, DGBA, EA, FNG, GF
public notices GC
public official, defined BBFA, BBFB, DBE
public participation at board meetings BE, BED
Public Property Finance Act (PPFA) CCA, CHG, CHH
public records GBA, GBAA
public servant, defined BBFA, BBFB, DBD, DH
purchasing
authority CH, CV
best value method CH, CV
bids and proposals CH, CV, CVA, CVB
bus purchase or lease CH, CNB
computers CH
construction CV, CVA, CVB, CVC, CVD, CVE, CVF
cooperative purchasing agreements CBB, CH
food CH, COA
fuel CH
lease-purchase agreement CHG, CL
payment procedures CHF
professional services CH, CV
property (*See* property)
purchase orders and contracts CH, CVF
vendor conflict disclosure CHE

- Q -

qualifications
board members BBA
principal DP
superintendent BJA
teachers DBA, EHBD
qualifying exigency for FMLA DECA
questioning and searches DHE, FNF, GRA
quorum, board meetings BBBB, BBE, BDB, BE

- R -

racial discrimination (*See* discrimination and harassment)
raffles CDC, GKB
reading academies DMA
real property
  acquisition BAA, CHG
  disposal of CDB, CDBA
  lease to others CDB, CX
  open meeting exception BEC
  revenue bonds from proceeds CDBA
  sale or exchange CDB
  substantial interest, conflict BBFA
reasonable absence control DEC
reasonable assurance of employment CRF
receiving equipment and supplies (*See* equipment and supplies)
recognition and awards BBG, DJ, FG
recommended high school program EIF
records
  academic achievement record EI
  access by board members BBE
  copies FL, GBAA
  custodian of records CPC, FL, GBA
  generally GB, GBA, GBAA
  highly mobile students FFC
  law enforcement FL, GRAA
  microfilm CPC, FL, GB, GBAA
  records administrator defined and duties BBFA
  retention and destruction CPC, FL, GBAA
  student records FL
  transcripts and permanent record EI, EIA, EIF, FL
  transfer of cumulative records FL
records management functions
  officer for public information CPC, GBA, GBAA
  public information coordinator BBD, CPC, GBAA
  records administrator BBFA, CHE, CPC
  records management officer CPC
records management plan CPC
recreational facilities bonds CCD
recruitment of personnel BJB, DC
recycling CH, CL
redistricting BBB
reduction in force
  financial exigency, due to BJC, BJCG, CEA, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA
  continuing contract DFCA, DFFC
  generally DFF
  not under contract DCD
  probationary contract DFAB
  program change, due to DFFB
  term contract DFF, DFFA, DFFB
referenda, bond CCA
regional service centers (*See* education service centers)
regulations, administrative BP
reimbursement for expenses BBG, BJCA, DEE
reinvestment zones CCGB
release time, personnel DMD
releasing students from school FEB, FEE, FEF
religion, study of DMA, EMI
religious discrimination (*See* discrimination and harassment)
Religious Freedom Restoration Act (RFRA) GA
religious holy days, absence for DEAA, DEC, FEA, FEB, FEC
religious matters, neutrality in EMI, FNA, GA
Religious Viewpoint Antidiscrimination Act FNA
remedial instruction EHBC, EHDD, EIE
removal
  board members, from office BBC
  individuals, from school premises BED, GKA
  students
    discipline removals (*See* discipline, student)
    by parents from class EF, EHA, EHAA
rental (*See* leasing and renting)
repairs
  buildings, grounds, and equipment CH, CLB, CV
  bus CNB
  renovations (*See* facilities)
report cards
  campus AIB, BQB
  district AIB, BQA
  student EIA
reports
  audit CFC
  board member information requests BBE
  board training BBD
  child abuse investigations GRA
  child abuse, neglect, and maltreatment FFG
  college credit program EHDD
  educator misconduct DHB, DHC, FFF
  financial BBFA, CAA, CDA, CFA
  fraud or financial impropriety CAA
  generally BR
  inventories CFB
  law enforcement GRAA
  leave (*See* leaves and absences, employees)
  limited English proficient students EHBE
  natural gas CS
  on-the-job injuries CRE
  PEIMS CBA
  performance, district and campus AIB
  records management CPC
  report card/progress reports EIA
  restraint reports, student FO
  safety and security audit CK
  SBEC, to DF, DFE, DHB
  special education students (*See* ARD committee)
  student attendance FEB
  student discipline FO, FOA, FOC
  student health screenings FFAA
  student immunization FFAB
  student physical fitness FFAA
  student progress EIA, EIE, EKC
required instruction (*See* curriculum)
residence requirements
  board members BBA, BBC
  elections BBB
  personnel DB
  student enrollment FD, FDA, FDB
  superintendent BJC
resignations
  board members BBC, DBE
  contract personnel DFE
  personnel not under contract DFE
  superintendent BJCG
restraint of students FO, FOF
retaliation CAA, CRE, DAA, DG, DGBA, DH, DIA, FB, FFH, FFI, FNG, FOC, FOD, GF
retention and destruction of records CPC, FL, GBAA
retention of students EIE
retirement
  benefits DEG
  incentives DEAA
  reemployment DC, DCA

TRS withholding CFEA
payment for unused leave (*See* leaves and absences, employees)
return to work CRE, DEC, DECA, DECB, DK
revenue sources
ad valorem taxes CCG, CCGA, CCGB
athletic stadium authorities CCE
bonds and bond taxes CCA, CCD
certificates of indebtedness CCC
federal CBB
gate receipts CDG
gifts and solicitations CDC
investments CDA
rentals and service charges CDD, GKD
royalties CDF
school-owned property CDB, CDBA
shop sales CDE
short-term notes CCF
state CBA
time warrants CCB
risk management CK, CKA, CKB, CKC, CKD, CKE
rodeo safety training FM
Roth contribution programs CRG
rules
administrative BP
discipline management FNC, FO
employee conduct/code of ethics (*See* conduct: personnel)
Robert's Rules of Order BE
student code of conduct (*See* discipline, student)

- S -

sabbaticals DEC
safe harbor (*See* Fair Labor Standards Act)
safety program (*See* security and safety)
salary
incentives DEAA
deductions/reductions CFEA, CRG, DEA, DFFA
schedules DEA, DK
sales (*See* disposal)
Sarbanes-Oxley (*See* financial ethics)
savings program, school-based EHAD
SBEC (*See* State Board for Educator Certification)
schedules
annual calendar EB
before/after-school activities FM, FNAB
block EEC, EED, FM
employee duty DK, DL
meal repayment CO
salary DEA
school day EC
transportation, student CNA
year-round schools (*See* extended instructional programs)
scholarships EI, EIC, FG
school assemblies FNCI, GKA
school attendance areas FC
school attorney BDD
school-based health centers FFAE
school board (*See* board of trustees)
school closing EB, CKC, DEA
school-community guidance center FFC
school day (*See* schedules)
school facility planning and construction (*See* facilities)
school fairs FJ
school health advisory council (SHAC) BDF, BQ, EFA, EHAA, FFA
school holidays DED, EB
school marshal CKE, CKEB, GBA
school publications FMA
school property, student care of FNCB
school resource officer (SRO) CKE, CKEC, GKA
school safety center (*See* Texas School Safety Center)
school safety transfers FDE
school supplies CMD, DBD, FP
school volunteers FH, GKG
school year EB
screening
dyslexia and related disorders EHB
medical, student FFAA
medical, employee DBB, DEC, DECA
searches
employees DHE
metal detectors FNF, GKA
police GRA
students FNF
telecommunications devices FNCE
trained dogs FNF
seclusion (*See* restraint of students)
secondary instruction
electives EHAD
required EHAC
secret societies FNCC
Section 504 DAA, DIA, EHAB, EHAC, EHB, FB, FFH, FOF
security and safety
accident prevention CKB
audit, safety and security BEC, CK, CKC
bomb threat procedures CKC
breach in electronic communication system CQB
buildings and grounds CLB, CLC
bus CNA
closing of schools, emergency CKC
committee CK
criteria for building CS
disturbances, disorders, or demonstrations CKC, FNCI, GKA
emergency plans CKC
eye-protective devices CKB
fire drills and safety precautions CKC
inspections CKA
motor vehicle rules CLC, FFFD
multihazard emergency operations plan CKC
narcotics, dangerous drugs, or alcohol DH, DHE, FNCF, FNF, FOA, FOCA, FOD, FOE, FOF, GKA
peace officers, marshals, and school resource officers CKE, CKEA, CKEB, CKEC
playgrounds CS
registered sex offenders FOE, GKC, GRAA
safe schools FDE, FFF, FFFA, FFFB, FFFD, FFFF
safety program CK, CKA, CKC, CKE
safety-sensitive positions DHE
safety rules CLA
security personnel CKE, CKEA, CKEB, CKEC
student transportation CNA
threat assessment FFB
trespassers GKA
vandalism and burglary CLA, FNCB
visitor identification CLA, GKC
senior class activities FJ, FMD, FMG, FMH, FNCC
service animals DAA, FBA
service awards DJ

service center, regional education (*See* education service centers)
severance pay BJCE
sex discrimination (*See* discrimination and harassment)
sex education EFA, EHAA
sex offender registration CJA, DBAA, DF, FOE, GKC, GRAA
sexting FFF
sexual abuse BBD, BQ, DG, DGC, DH, DIA, DMA, FFEB, FFG, FFH, GRA
sexual harassment and discrimination DAA, DIA, FB, FFH, FNC
SHAC (*See* school health advisory council)
shared services arrangements BQ, DBAA, DF, DP, EHAD, EHBB, FOCA, GNB
shop sales CDE
short-term notes CCF
sick leave (*See* leaves and absences, employees)
site-based decision-making BQ, BQA, BQB
sites (*See* property)
smoking BDF, DH, EHAA, FNCD, GKA, GKD
social media and networking CQ, DH
social security deductions CFEA
social services, student FDC, FFB, FFBA, FFC, FFE, FFEA, FFEB
software CQ, CY
solicitation of funds CDC, DHA, FJ
sororities FNCC
Southern Association of Colleges and Schools EHDD
special board meetings BE
special education
  academic assessment EKB
  ARD committee EHBAB
  certificate of attendance FMH
  contracting for EEL, EHBA, EHBAC
  diplomas/graduation EIF, FMH
  discipline FOF
  IDEA (Individuals with Disabilities Education Act) EHB, EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
  program requirements EHB, EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
  staff development related to DMA
  transition plan EHBA, EHBAD, EIF
  transportation for CNA, CNB
  video/audio monitoring EHBAF
special populations, student EHB, EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE, EHBB, EHBC, EHBD, EHBE, EHBF, EHBG, EHBH, EHBI, EHBK, EHBL, EHBM, EHBN
special programs
  adult education/community education EHBI
  at-risk EHBC, EIE, FDAA
  bilingual education EHBE
  career/technical education CNA, EEL, EHBF, EIF
  deaf or hearing-impaired BE, EHBA, EHBAA, EHBAB, EHBAC, EHBH, FBA
  driver education EHAD
  dropout BQA, BQB, EHBC
  dyslexia BQ, EHB, EHBC, EIE, EKB, EKC, EL
  equivalency EHBL
  gifted and talented students EHBB
  homebound instruction EEH
  hunter education/firearm safety EHAD
  mental health intervention BQ, DMA, FFB, FFEB
  prekindergarten EEB, EEL, EHBC, EHBG
  remedial/compensatory instruction EHBC, EHDD, EIE
  special education (*See* special education)
  suicide prevention BQ, DMA, FFB, FFE, FFEB
  Title I EHBD
  tutorials EHBC
specifications CH, CS, CV, CVA, CVB, CVC, CVD, CVE, CVF
sports (*See* athletics)
SRC (School Report Card) (*See* report cards)
SRO (*See* school resource officer)
SSI (*See* Student Success Initiative)
STAAR (*See* State of Texas Assessments of Academic Readiness)
staff (*See* personnel; *see also* professional personnel *and* support staff)
State Board for Educator Certification (SBEC) DBA, DBAA, DC, DF, DFE, DH, DHB, DP
State of Texas Assessments of Academic Readiness (STAAR) EI, EIA, EIC, EIE, EKB, EKBA, FMH
state virtual school network EHDE
"stay put" IDEA students EHBAE
steroids FM, FNCF
stipends DEAA
strikes, employee DGA
structural pest control CLB, DI, FD
students
  absences and excuses FEA, FEB, FEC, FM
  academic freedom EMA, EMB
  accidents FFAC
  activities
    eligibility for honors and awards EIC, FG
    equal access FM, FNAB
    extracurricular activities FM, FMF
    fees FP
    field trips CNC, FNG, FMG
    funds management CFD
    interscholastic activities/contests FMF
    organizations/clubs FM, FNAB, FNCC
    participation eligibility FM
    performances FME
    social events FMD
    sponsors, clubs DEA, DK, FM
    student government FMB
    transportation to FMF, FMG
    use of district vehicles CNB
  admission
    children of nonresident staff FDA
    eligibility FD, FDAA
    exchange students FD
    expelled students FD, FOD, FODA, FOF
    falsification of records FD
    homeless FD, FDC
    homeschool transfers FDA, FEA
    nonresident students FD, FDA
    requirements FD, FDA, FFAB
    transfers FDA, FDAA, FDB
    tuition EHBG, FDA
  alcohol/drug use or possession FNCF, FNF, FOA, FOCA, FOD, FOE, FOF
  allergies FFAF
  arrests FL, GRA, GRAA
  assaults on others (*See* discipline, student)
  assemblies FNCI
  assessment EIE, EK, EKB, EKBA, EKC, EKD, FD
  assignment
    attendance zones FC, FDB
    disciplinary settings (*See* discipline, student)
    from homeschools FD
    intradistrict FDB
    parental request FDB, FNG
    residence requirements FD, FDA, FDB

assistance and counseling programs EHBH, FFB, FFBA, FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
attendance FEA, FEB, FEC
automobile use CLC, FFFD
awards and scholarships EI, EIC, FG
bicycle use FFFD
bullying CQ, FFH, FFI
care of school property FNCB
child abuse/neglect BBD, BQ, DG, DGC, DH, DIA, DMA, FFEB, FFG, FFH, GRA
clubs, gangs FNCC
complaints FNG
concussions FM
conduct
  code of conduct FNC, FO
  extracurricular standards of behavior FM, FO
  generally FNC, FNCA, FNCB, FNCC, FNCD, FNCE, FNCF, FNCG, FNCH, FNCI, FO
  on buses FFFF, FO
conferences, student/parent EIA
consent by minor student (*See also* parental rights) FFAB, FFAC, FFEA
contests and competitions FG, FM, FMF
corporal punishment FO
cyberbullying CQ, FFH, FFI
detention FO
discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA, FOE, FOF
dress and grooming FNCA
drug testing, extracurricular activities FNF
due process FNG, FOC, FOD, FOE, FOF
early graduation EI, EIC, EIF, FMH
elections FMB
emergency placement FOE
employment FEF
equal educational opportunity EHBA, FB
exchange students FD, FDA, EIF
expulsion FO, FOD, FODA, FOF
fees, fines, and charges FP
foster care CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
gifts to personnel (*See* gifts)
graduation
  assessments EKB
  early EIF, FMH
  endorsements EIF
  exercises FMH
  honor graduates EIC
  individual graduation committee (IGC) EIF, EKB
  of student in conservatorship of DFPS EIF
  prayer FMH, FNA
  ranking of graduates EIC
  requirements EIF
  special education students EIF, FMH
handbook FN
hazing FFI, FNCC, FOD
health requirements/services FFA, FFAA, FFAB, FFAC, FFAD, FFAE, FFAF
homeless CNA, EHBAB, EHBC, EHBD, EHDC, EI, FB, FD, FDC, FFAB, FFC
immunizations FD, FDD, FFAB
injury or sudden illness FFAC
in residential facilities EEM, EHBA, EHBAC, FD
in conservatorship of DFPS CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
insurance programs FFD
questioning FNF, GRA
involvement in decision-making FNB
leaving campus during day FEA, FEE, FEF
married students FND
mental health intervention BQ, DMA, FFB, FFEB
nonresident FD, FDA
organizations FM, FNAB, FNCC
performances FME
physical examinations FFAA, FFAE
placement EIE, FD, FDD
placement in alternative settings FOA, FOC, FOCA, FOE, FOF
possession of telecommunications/electronic devices FNCE
prayer EC, EMI, FMH, FN, FNA, FNAB
pregnant students EHBC, FB, FED, FFAB, FFAC, FNE
progress reports EIA
promotion and retention EIE
psychological services DP, EHBA, EHBAA, EHBAE, EHBH, FFAC, FFB, FFC, FFE, FFEB, FFG
publications, school FMA
records
  academic achievement record EI
  access by board members BBE
  access to FL
  challenging content of (hearing and appeal) FL
  custodian of FL
  directory information FL
  falsification FD
  highly mobile students FFC
  immunization FFAB
  notice to parents FL
  release for health or safety emergencies FFAC, FL
  release of information on more than one student FL
  release to juvenile service providers GRAC
  destruction BBBB, CPC, DBAA, FL, GB
  transcripts and permanent record EI, EIA, EIF, FL
  transfer of cumulative records FL
relations with staff DH, DIA, FFH
released time FEF
removal from bus FOA
removal, discipline FOA, FOB, FOC, FOD, FOE, FOF
rights
  complaints FNG
  distribution of literature FNAA
  due process FNG, FOC, FOD, FOE, FOF
  freedom of speech/written expression FNA, FNAA
  minute of silence EC
  pregnant students FB, FNE
  publications, school- and nonschool-sponsored FMA, FNAA
  right to pray EC, FMH, FNA, FN, FNA, FNAB
  searches FNF
  special education EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
safety FDE, FFF, FFFA, FFFB, FFFD, FFFF
searches FNF
schedules EEC, EED
sexting FFF
sexual abuse BBD, BQ, DG, DGC, DH, DIA, DMA, FFEB, FFG, FFH, GRA
sexual harassment and discrimination DAA, DIA, FB, FFH, FNC
smoking/tobacco use or possession BDF, DH, EHAA, FNCD, GKA, GKD
social media CQ
social services FDC, FFB, FFBA, FFC, FFE, FFEA, FFEB
suicide prevention BQ, DMA, FFB, FFE, FFEB

student government FMB
student parents EHBC, FFAB
surveys EF
suspension FM, FO, FOB
transfers and withdrawals FD, FDA, FDAA, FDB, FDE, FFAB, FFC
transportation services CNA, CNB
tuition EHBG, FDA
uniforms FNCA
volunteers FH
weapons DH, FNCG, GKA
welfare FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE, FFAF, FFB, FFBA, FFC, FFD, FFE, FFEA, FFEB, FFF, FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI
with disabilities (*See* special education *and* Section 504)
withdrawals FD, FEA
Student Success Initiative (SSI) EIE
student teachers DBAA, EHAA, GNC
subpoenas, personnel DEC
substance abuse DH, DHE, DMA, EHAA, FFEB, FNCF
substitute care CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
substitute teaching DPB
substitutes, parent notification DBA, DK, DPB
suicide prevention BQ, DMA, FFB, FFE, FFEB
summer lunch program COB
summer program EHBC, EHBE, EHDA, FD, FEA, FO, FOCA, FP
sunscreen FFAC
superintendent (*See also* professional personnel)
appointment BJB
compensation and benefits BJCA
consulting BJCC
contract BJC
development opportunities BJCB
evaluation BJCD
expense reimbursement BJCA
nonrenewal BJCF
qualifications and duties BJA
recruitment BJB
resignation/retirement BJCG
severance BJCE
termination/nonrenewal BJCE, BJCF
supplemental duties DEAA, DK
supplementary materials selection and adoption EF, EFA
support staff (*See also* personnel)
dismissal DCD, DCE
evaluation DN
hiring DC, DCD, DCE
suspension DCD
termination of employment DCD, DCE
surety bonds BDAE
surplus property
personal CI
real CDB, CDBA
surrogate parents EHBAE
surveys of students EF
suspension
of employees
back pay DFBA
under continuing contract DFCA
not under contract DCD
under probationary contract DFAA
under term contract DFBA
with or without pay DFAA, DFBA, DFCA
of policies BF
of students (*See* discipline, student)

- T -

tardiness FEC
task forces, community GK
tax
abatement CCGB
ad valorem CCG, CCGA, CCGB
assessor/collector CCG
delinquent CCF, CCGA, CCH
depository BBFA, BBFB, BDAE
exemptions CCGA
tax-sheltered annuities CRG
TEA (*See* Texas Education Agency, relations with)
Teach for Texas Grant FFEA
teacher aides (paraprofessionals) DBA, EHBG
teacher appraisal DNA
teacher associations DGA, DGB
teacher contracts DC, DCA, DCB, DCC, DCE
Teacher Protection Act of 2001 BBE, DGC
Teacher Retirement System (TRS) CFEA, CRD, DC, DEA, DH, EL, GBA
teacher-student ratios EEB, EEM, EHAA, EHBD, EHBE, EHBG, EIE, FOCA
teaching permit, district-issued DBA
team building BBD, BJCB
technology BBI, CQ, CY, DH, EFB
TEKS (Texas Essential Knowledge and Skills) (*See* curriculum)
telecommunications devices FNCE
temporary disability leave (*See* leaves and absences, employees)
temporary and part-time employment CRD, DEC, DPB
term contracts
employment practices DC, DCB
nonrenewal BJCF, DFBB, DFFB, DFD
reduction in force DFF, DFFA, DFFB
resignation DFE
return to probationary status DFAC
suspension/termination during year DFBA
termination, personnel DCD, DCE, DF, DFA, DFAA, DFAB, DFAC, DFBA, DFBB, DFCA, DFD, DFFA, DFFB, DFFC
tests
credit by examination EHDB, EHDC
dyslexia EHB
exams for acceleration EHDC
generally EIE, EK, EKB, EKBA, EKC, EKD
parental review EF, EKB, FNG
Texas Economic Development Act CCGB
Texas Education Agency (TEA), relations with GND
Texas Juvenile Justice Department (TJJD) EEM, EHBL, FD, FFG, FOCA, FODA
Texas Open Meetings Act (TOMA) (*See* board meetings)
Texas Principal Evaluation and Support System (T-PESS) DNB
Texas School Safety Center CK, CKC, FFB, FFF
Texas Teacher Evaluation and Support System (T-TESS) DNA
Texas Virtual School Network (TXVSN) EHDE
textbooks (*See* instructional materials)
threat assessment FFB
ticket sales CDG, CFD
time warrants CCB
Title I, Elementary and Secondary Education Act AIB, AID, BQ, CJ, DBA, DC, EHBC, EHBD, EHBE, EKB
Title V FOC

Title VII DAA, DIA
Title IX (*See* discrimination and harassment)
TJJD (*See* Texas Juvenile Justice Department)
tobacco use/prohibition BDF, DH, EHAA, FNCD, GKA, GKD
TOMA (Texas Open Meetings Act) (*See* board meetings)
top ten percent EIC
tornado warnings CKC
tournaments (*See* extracurricular activities)
T-PESS (*See* Texas Principal Evaluation and Support System)
trademarks CY
traffic and parking controls CLC, FFFD
training
appraisals BJCD, DNA, DNB
asbestos standards CKA
board of managers AIC
board member BBD
coordinated health program EHAA
CPR and first aid DBA, EHAC
crisis intervention FFB
cybersecurity CQB
dating violence FFH
diabetes care assistant FFAF
DAEP personnel FOCA
dyslexia EHB
emergency operations CKC, CNC
foster and surrogate parents EHBAE
gifted and talented EHBB
hazardous chemicals DI
homeless liaison FFC
identifying and reporting abuse BJCB
instructional materials CMD
investment responsibilities CDA
Job Corps FEA
juvenile case manager FED
language proficiency assessment committee EHBE
medication administration FFAC
mental health first aid DGC
mentor teachers DEAA
pest control CLB
prekindergarten teacher EHBG
principal appraisal BJCD, DNB
public information coordinator GBAA
restraint, use of FOF
safety CK, CNC, DH, DMA, FM, GKC
school nutrition program director CO
security personnel CKE, CKEA, CKEB
special education FOF
staff development DMA
student records FL
test security EKB
Title IX DIA, FFH
trauma-informed care FFBA
traumatic injury response protocols CKD
transcripts and permanent records EI, EIA, EIF, FL
transfer
at-risk students FDAA
criteria FDA, FDAA, FDB
cumulative records FL
due to bullying FDB
expelled students FD, FOD
homeschool transfers FDA, FEA
interdistrict FDA
intradistrict FDB
of leave (*See* leaves and absences, employees)
from low-performing schools FDAA
personnel DK
petition, students FDAA, FDB
revocation of transfer FDA
school safety FDE
tuition EHBG, FDA
transition assistance
exiting DAEP FOCA
highly mobile students FFC
transportation
bus driver credentials DBA, DBAA, DBB, DBE, DHE
career and technology programs CNA
emergency bus evacuation training CNC
bus maintenance CNB, CNBA
contract with public companies CNA
eligible students CNA
extracurricular and school activities CNA, FMF, FMG
hazardous routes CNA
safety of students CNC
special use of school buses CNB
state reimbursement CNA
student conduct on buses FO
students with disabilities CNA, CNB
students in foster care CNA
students who are homeless CNA
walking transportation programs CNA
trauma-informed care FFBA
travel and trips
expense reimbursement BBG, BJCA, DEE
field trips CNC, FNG, FMG
professional DMC, DMD
student FMG
study program EHBM
UIL travel FMF
use of district vehicles CNB
trespassing GKA
trips (*See* travel)
truancy
generally FEA, FED
prevention facilitator FED
prevention measures FED
T-TESS (*See* Texas Teacher Evaluation and Support System)
tuition
exemption
for employees' children FDA
for foreign students FD
nonresident students FDA
prekindergarten students EHBG
prohibitions FDAA, FDD
waiver FDA, FFC, FP
tutorial program EHBC
tutoring for pay DBD
TXVSN (*See* Texas Virtual School Network)

- U -

UDCA (Unlicensed Diabetes Care Assistant) FFAF
UIL (University Interscholastic League) FM, FMF
unaccompanied youth FFC, FDC
unauthorized person on school property CLA, GKA, GKC
uncertified teachers DBA, DK, DPB
unemployment insurance CRF
unexpired term, board members BBC
uniforms FNCA
unions, staff membership in DGA, DGB
universities GNC

unsafe schools FDE
use of school facilities GKB, GKD

- V -

vacancies
  board member BBC
  school personnel DC
vacations and holidays
  personnel DED
  religious holidays DEC, FEA, FEB
  school vacations EB
vaccinations FFAB
valedictorian/salutatorian awards EIC
vandalism CLA, FNCB
vehicle identification insignia CI, CLC
vehicle operation and parking control CNA, CNB, CLC, FFFD
vending machines CFD, COC, FFA
vendor relations GKC
veterans CCGA, DECB, EIF, FDD, FEA, FFEA, FP, GBA
videoconference call (board meetings) BE
videotaping/monitoring
  board meetings BE, GBBA
  conduct on school buses, in buildings FO
  special education EHBAF
  students, with parental consent FL
  students, without parental consent EHA, FM, FL, FO
Virginia Graeme Baker Pool and Spa Safety Act CL
virtual school network (*See* Texas Virtual School Network)
vision statement, district AE
visitors
  board members BBE
  generally GKC
  law enforcement and other agencies GRA
  registered sex offenders GKC
  right to eject CLA, GKA
visual materials, depiction of minors FFF
volunteers
  authorized to administer epinephrine auto injectors FFAC
  bloodborne pathogen exposure control testing DBB
  criminal history record check GKG
  emergency services personnel GKA, GRC
  immunity from liability FFAC, GKG, GRAA
  prohibition on secluding or applying aversive techniques to students FO
  school volunteer program GKG
  student volunteers FH
  training on automated external defibrillators DMA
  volunteer medical services FFAC
voter registrar AC, BBB, BBBA, CCA, CCG, DP
voting
  abstention from BBFA
  at board meetings BE
  early BBBA
  election of board officers BDAA

- W -

wages CV, DEA, DEAB
waivers
  fees FP
  insurance FFD
  planning BQA, BQB
  policy BF
walkers and riders, bus CNA
warehousing CMA
warning systems CKC
warrants, money CCB
warrants for student arrest GRA
weapons DH, FNCG, GKA
website postings CQA
weighted grades EIC
welfare authorities relations GRA
welfare, employee DI
welfare, student FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE, FFAF, FFB, FFBA, FFC, FFD, FFE, FFEA, FFEB, FFF, FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI
wellness BDF, EHAA, FFA
whistleblower complaints DG, DGBA
withdrawal, student FD, FEA
witnesses in expulsion hearings FOD
work calendars DEA, DK
workers' compensation
  coordination with paid leave benefits CRE, DEC
  indefinite absence CRE
  required for construction contractor CV
work load DL
work schedules DK
workshops, board members BBH
work strikes/stoppages DGA
work-study employment EHAD
written expression, student FMA, FNA, FNAA

- X - Y - Z -

yearbooks FMA
year-round schools (*See* extended instructional programs)
zoning authorities relations GRA

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 sta-

tus, the implications of such status, and the steps the district is taking 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

The commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

In addition to the overall performance rating, 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:

1. A reflects exemplary performance.
2. B reflects recognized performance.
3. C reflects acceptable performance.
4. D reflects performance that needs improvement.
5. 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. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or exemplary, recognized, or acceptable performance, or performance that needs improvement.

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.

Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted by the commissioner.

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

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 ten 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 perfor-

mance 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 local accountability plan component, domain, and overall scaled scores and ratings to TEA by the first week of July of the applicable accountability year.

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 provided 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). *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 61.1022(a)–(b), (e); Education Code 39.306(d)

Other Annual Report Information

The annual report must also include:

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

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

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

Education Code 39.306(a)

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

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

The report may include the following information:

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

2. Financial information, including revenues and expenditures;

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

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

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

Education Code 39.306(e)

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

Public Hearing

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

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 61.1022(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 61.1022(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 61.1022(f)*

Report Uses

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

Campus Performance Report

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

Distribution

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

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

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

Education Code 39.305; 19 TAC 61.1021

Website Notices

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

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

Education Code 39.362

Student Performance Report

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

Notice to Parents

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

Notice to Teachers and Students

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

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

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

Education Code 39.304

Quality of Learning Indicators

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

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the percentage of students promoted through the grade placement committee process; 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 school year following that promotion 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

Results Driven Accountability (RDA)

In accordance with Education Code 7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of districts for certain populations of students included in selected program areas. The performance of a district is included on the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. *19 TAC 97.1005; Education Code 7.028(a)*

Federal Report Card

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

Implementation

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

Minimum Requirements

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

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

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

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

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

District Data on Academic Achievement

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

The website must:

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

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

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

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

Education Code 11.1516

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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 accreditation investigation under Education Code 39.057.

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; or

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.

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 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.

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, 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. *19 TAC 97.1057(d); Education Code 39A.006(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

Campus Intervention Team and Targeted Improvement Plan

Actions Based on Campus Performance

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

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

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

1. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement; or

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.

Education Code 39A.051

Texas Accountability Intervention System

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

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

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

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

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

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

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

19 TAC 97.1061(a)–(c), (e)–(i)

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(d).

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

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(d)(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 newspapers, or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(d)(3)(A)(2)*

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

Needs Improvement Rating

If a district or campus is assigned an overall or domain performance rating of D:

1. The commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board; and

2. The interventions and sanctions provided by Education Code, Chapter 39A based on failure to satisfy performance standards under Education Code 39.054(e) apply to the district or campus only as provided below.

The interventions and sanctions based on failure to satisfy performance standards under Education Code 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan if the district or campus is assigned:

1. An overall or domain performance rating of F; or

2. An overall performance rating of D as provided below.

If a district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan, the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall

continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

Education Code 39A.0545

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 or an updated targeted 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

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.

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)–(k)

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)]

ACE Turnaround Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must provide:

1. The assignment of a principal to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked;
2. That the principal has final authority over personnel decisions at the campus;

3. That at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:

    a. For a teacher who taught in the district during the previous school year:

        (1) The teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district; and

        (2) An evaluation of the teacher based on classroom observation; and

    b. For a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top half of teachers in the district;

4. A detailed description of the employment and compensation structures for the principal and classroom teachers, which must include significant incentives for a high-performing principal or teacher to remain at the campus and a three-year commitment by the district to continue incentives for the principal and teachers;

5. Policies and procedures for the implementation of best practices at the campus, including:

    a. Data-driven instructional practices;

    b. A system of observation of and feedback for classroom teachers;

    c. Positive student culture on the campus;

    d. Family and community engagement, including partnerships with parent and community groups;

    e. Extended learning opportunities for students, which may include service or workforce learning opportunities; and

    f. Providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and

6. Assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan.

Education Code 39A.105(b)

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.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

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

Commissioner Approval or Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Implementation

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

Assistance and Partnerships

A district may:

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

Education Code 39A.109

Change in Campus Performance Rating

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

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

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

Education Code 39A.110

Continued Unacceptable Performance Rating

If a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan, 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; 19 TAC 97.1065(a)(2)

Parent Petition for Action

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

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

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

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

Repurposing of Closed Campus

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

1. Serves a majority of grade levels not served at the original campus; or
2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:
    a. Has a governing board that is independent of the district;
    b. Has a successful history of operating school district campuses or open-enrollment charter schools:

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

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

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

Student Enrollment and Assignment

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

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

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*

Commissioner Authority

A decision by the commissioner under the campus turnaround plan subchapter of the Education Code is final and may not be appealed. *Education Code 39A.116*

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 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*

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 the Texas Open Meetings Act and Public Information Act; and

2. Any requirement in the Texas 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

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

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

Board of Managers of Campus

If the commissioner appoints a board of managers to govern a campus:

1. The powers of the board of trustees of the school district in relation to the campus are suspended for the period of the appointment; and

2. The commissioner shall appoint a campus principal.

A board of managers appointed to govern a campus may submit to the commissioner for approval amendments to the budget of the school district for the benefit of the campus. If the commissioner approves the amendments, the board of trustees of the school district shall adopt the amendments.

Education Code 39A.203

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(h)*
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

A district that challenges the commissioner's decision to close the district or a campus or to pursue alternative management of a campus must appeal the decision as provided below.

Review of Sanctions by SOAH

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

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)

Special Accreditation Investigations

The commissioner may authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

2. When excessive numbers of allowable exemptions from the required state assessment are determined;

3. In response to complaints to TEA of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;

5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;

6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;

8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;

9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;

10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

11. When resource allocation practices indicate a potential for significant improvement in resource allocation;

12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;

15. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

16. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or

17. As the commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.058(a); 19 TAC 102.1401*

Commissioner Action

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

1. Take appropriate action under Education Code Chapter 39A, [see Interventions and Sanctions for School Districts, above];

2. Lower the district's accreditation status or a district's or campus's performance rating; or

3. Take action under both items 1 and 2 above.

Regardless of whether the commissioner lowers the accreditation status or a district's or campus's performance rating, the commissioner may impose one of the district- or campus-level interventions or sanctions under Education Code 39A.002 [see Interventions and Sanctions for School Districts, above].

Education Code 39.057(d), (e)

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

Monitoring Reviews and On-Site Investigations

Except as provided by Education Code 7.028(a), the commissioner may direct TEA to conduct monitoring reviews and random on-site visits of a district at any time, as authorized by Education Code 7.028, only as necessary to ensure:

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

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

Education Code 7.028

Notice

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

Conducting the Review

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

Accreditation Investigation

The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements	TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)–(f)*
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*
Transitional Interventions and Sanctions	For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by Chapter 39 as that chapter existed on January 1, 2015, to the campus. If a campus receives an unacceptable performance rating for the 2016–17 and 2017–18 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law. For a campus that received an acceptable performance rating for the 2013–14 school year and an unacceptable performance rating for the 2014–15 and 2015–16 school years, the commissioner shall apply interventions and sanctions in current law to the campus. If the campus receives an unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law. These transition provisions expire September 1, 2020. *Education Code 39A.906*
Special Program Performance: Intervention Stages	The commissioner shall assign a district to an intervention stage based on performance levels under 19 Administrative Code 97.1005 (Results Driven Accountability) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071.

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

19 TAC 97.1071

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 EOP

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. *Education Code 11.0511*

A board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

Definitions

Meeting

"Meeting" means a deliberation among a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action. "Meeting" also means a gathering:

1. That is conducted by a board or for which a board is responsible;
2. At which a quorum of members of a board is present;
3. That has been called by a board; and
4. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of a district, about the public business or public policy over which the board has supervision or control.

Gov't Code 551.001(4)

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar internet application in compliance with Government Code 551.006. *Gov't Code 551.006* [See BBI]

Deliberation

"Deliberation" means a verbal or written exchange between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board. *Gov't Code 551.001(2)*

Recording

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Videoconference Call

"Videoconference call" means a communication conducted between two or more persons in which one or more of the partici-

pants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov't Code 551.001(8)*

Social Function, Convention, or Candidate Event

The term "meeting" does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, the attendance by a quorum of the board at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov't Code 551.001(4)*

Legislative Committee or Agency Meeting

The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of a board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

Superintendent Participation

A board shall provide a superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

Open to Public

Every meeting of a board shall be open to the public. A board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. *Gov't Code 551.002, .084, Ch. 551, Subch. D* [See BDB and BEC]

Parental Access

A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of a board, other than a closed meeting held in compliance with the Open Meetings Act. *Education Code 26.007(a)*

Recording

All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or any other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. *Gov't Code 551.023*

Minutes

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of

each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

Board Member Attendance

The minutes or recording, as applicable, of a regular or special meeting of a board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

Availability

The minutes and recording are public records and shall be available for public inspection and copying on request to a superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

Note: For website posting requirements regarding the record of a board meeting, see CQA.

Notice Required

A board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. *Gov't Code 551.041*

Continued Meeting

If a board recesses an open meeting to the following regular business day, the board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, a board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

Inquiry During Meeting

If a member of the public or of a board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042*

Location

A board must hold each public meeting within the boundaries of the district, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

Education Code 26.007(b)

Time of Notice and Accessibility

Notice of a board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another board-designated place shall at all times be readily accessible to the public for at least 72 hours

before the scheduled time of the meeting. *Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals, 820 S.W. 2d 762 (Tex. 1991)*

If a district is required to post notice of a meeting on the internet, the district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period.

A district must still comply with the duty to physically post the notice in the central administration office and if the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

Internet Posting

If a district maintains an internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also, concurrently with the notice, post on the district's internet website the agenda for a board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

Gov't Code 551.056 [See CQA for website posting requirements regarding notice of board meetings.]

Specificity of Agenda / Notice

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to a superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what a board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist., 706 S.W.2d 956 (Tex. 1986); Point Isabel Indep. Sch. Dist. v. Hinojosa, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); Atty. Gen. Ops. M-494 (1969), H-419 (1974), H-662 (1975), H-1045 (1977)*

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to a board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

Emergency Meeting or Emergency Addition to Agenda

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with the Open Meetings Act, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

A board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted as described above other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required because of:

1. An imminent threat to public health and safety, including a threat described in item 2, below, if imminent; or
2. A reasonably unforeseeable situation, including:
    a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
    b. Power failure, transportation failure, or interruption of communication facilities;
    c. Epidemic; or
    d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

Gov't Code 551.045

Catastrophe

A board prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If a board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

Special Notice to News Media

A district shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. *Gov't Code 551.052*

The board president or board member who calls an emergency meeting or adds an emergency item to the agenda of a board meeting shall notify the news media of the emergency meeting or emergency item. The president or member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse the board for the cost of providing the special notice. The president or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047*

Quorum

A majority of a board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the board. *Gov't Code 551.001(6), 311.013(b)*

Disaster

Notwithstanding any other law, a quorum is not required for a board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.

Gov't Code 418.1102

Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

Meeting by Telephone Conference Call

A board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Notice

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

Recording

The conference call meeting shall be recorded and made available to the public.

Gov't Code 551.125

Meeting by Videoconference Call

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video

conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.001(8), .127(a-1)-(a-3)*

Quorum

A meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at Multiple Counties, below.

Multiple Counties

A meeting of a board of a district that extends into three or more counties may be held by videoconference call only if the board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

Notice

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location; the notice of a meeting held by videoconference call described above at Multiple Counties must specify as a location of the meeting the location where the board member presiding over the meeting will be physically present and specify the intent to have that member present at that location.

Gov't Code 551.127(b)–(e)

Quality of Audio and Video Signals

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance

at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j); 1 TAC 209.10–.11

Recording

A board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote Participation by the Public

A board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a board member is not participating in the meeting from a remote location.

Gov't Code 551.127(g), (k)

Video and Audio Recording of Meeting

A board for a district that has a student enrollment of 10,000 or more shall make a video and audio recording of reasonable quality of each:

1. Regularly scheduled open meeting that is not a work session or a special called meeting; and

2. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony. [See BED for requirements regarding public testimony.]

The board shall make available an archived copy of the video and audio recording of each meeting on the internet not later than seven days after the date the recording was made. The board shall maintain the archived recording on the internet for not less than two years after the date the recording was first made available. A board is exempt from the requirements in this paragraph if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, the board must make all reasonable efforts to make the required recording available in a timely manner.

The board may make the archived recording available on an existing internet site, including a publicly accessible video-sharing or

social networking site. The board is not required to establish a separate internet site and provide access to archived recordings of meetings from that site.

A district that maintains an internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

A board may broadcast a regularly scheduled open meeting on television.

Gov't Code 551.128(b-1)–(b-6)

Internet Broadcast

A board that is not subject to the provisions above at Video and Audio Recording of Meeting may broadcast an open meeting over the internet. If a board broadcasts a meeting over the internet, it shall establish an internet site and provide access to the broadcast from that site. A board shall provide on the internet site the same notice of the meeting, within the time required for posting that notice, that the board is required to post under the Open Meetings Act. *Gov't Code 551.128(b), (c)*

Attorney Consultation

A board may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

Exception

This does not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by a district, is an employee of the district.

Gov't Code 551.129

Persons with Hearing Impairments

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Commission for the Deaf and Hard of Hearing.

"Deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits

comprehension of an examination or proceeding, or communication with others.

Gov't Code 558.001, .003

Prohibited Series of Communications

A board member commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by the Open Meetings Act and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and

2. Knew at the time the member engaged in the communication that the series of communications:

    a. Involved or would involve a quorum; and

    b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov't Code 551.143

Team Building

The superintendent's participation in team building sessions as part of the board's continuing education [see BBD] shall represent one component of the superintendent's ongoing professional development. *19 TAC 61.1(b)(4)(G)*

Identifying and Reporting Abuse

An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must complete at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children, in accordance with Education Code 21.054(h). For purposes of this provision, "other maltreatment" has the meaning assigned by Human Resources Code 42.002. *19 TAC 232.11(g)(2); Education Code 21.054(h)*

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 C: BUSINESS AND SUPPORT SERVICES

CA	FISCAL MANAGEMENT GOALS AND OBJECTIVES
CAA	Financial Ethics
CB	STATE AND FEDERAL REVENUE SOURCES
CBA	State
CBB	Federal
CC	LOCAL REVENUE SOURCES
CCA	Bond Issues
CCB	Time Warrants
CCC	Certificates of Indebtedness
CCD	Recreational Facilities Bonds
CCE	Athletic Stadium Authority
CCF	Loans and Notes
CCG	Ad Valorem Taxes
CCGA	Exemptions and Payments
CCGB	Economic Development
CCH	Appraisal District
CD	OTHER REVENUES
CDA	Investments
CDB	Sale, Lease, or Exchange of School-Owned Property
CDBA	Revenue Bonds from Proceeds
CDC	Gifts and Solicitations
CDD	Rentals and Service Charges
CDE	Shop Sales
CDF	Royalties
CDG	Gate Receipts, Concessions
CDH	Public and Private Facilities
CE	ANNUAL OPERATING BUDGET
CEA	Financial Exigency
CF	ACCOUNTING
CFA	Financial Reports and Statements
CFB	Inventories
CFC	Audits
CFD	Activity Funds Management
CFE	Payroll Procedures
CFEA	Salary Deductions and Reductions
CFF	Checking Accounts
CFG	Cash in School Buildings
CG	BONDED EMPLOYEES AND OFFICERS

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SECTION C: BUSINESS AND SUPPORT SERVICES

CH	PURCHASING AND ACQUISITION
CHB	Petty Cash Account
CHD	Purchasing Procedures
CHE	Vendor Relations
CHF	Payment Procedures
CHG	Real Property and Improvements
CHH	Financing Personal Property Purchases
CI	SCHOOL PROPERTIES DISPOSAL
CJ	CONTRACTED SERVICES
CJA	Criminal History
CK	SAFETY PROGRAM/RISK MANAGEMENT
CKA	Inspections
CKB	Accident Prevention and Reports
CKC	Emergency Plans
CKD	Emergency Medical Equipment and Procedures
CKE	Security Personnel
CKEA	Commissioned Peace Officers
CKEB	School Marshals
CKEC	School Resource Officers
CL	BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
CLA	Security
CLB	Maintenance
CLC	Traffic and Parking Controls
CLD	Records and Reports
CLE	Flag Displays
CM	EQUIPMENT AND SUPPLIES MANAGEMENT
CMA	Receiving and Warehousing
CMB	Authorized Uses of Equipment and Supplies
CMD	Instructional Materials Care and Accounting
CN	TRANSPORTATION MANAGEMENT
CNA	Student Transportation
CNB	District Vehicles
CNBA	Bus Maintenance
CNC	Transportation Safety
CO	FOOD AND NUTRITION MANAGEMENT
COA	Procurement
COB	Free and Reduced-Price Meals

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SECTION C: BUSINESS AND SUPPORT SERVICES

COC	Vending Machines
CP	OFFICE MANAGEMENT
CPA	Office Communications
CPAA	Printing and Duplicating
CPAB	Mail and Delivery
CPAC	Telephone
CPC	Records Management
CQ	TECHNOLOGY RESOURCES
CQA	District, Campus, and Classroom Websites
CQB	Cybersecurity
CQC	Equipment
CR	INSURANCE AND ANNUITIES MANAGEMENT
CRA	Property Insurance
CRB	Liability Insurance
CRD	Health and Life Insurance
CRE	Workers' Compensation
CRF	Unemployment Insurance
CRG	Deferred Compensation and Annuities
CS	FACILITY STANDARDS
CT	FACILITIES PLANNING
CV	FACILITIES CONSTRUCTION
CVA	Competitive Bidding
CVB	Competitive Sealed Proposals
CVC	Construction Manager-Agent
CVD	Construction Manager-at-Risk
CVE	Design-Build
CVF	Job Order Contracts
CW	NAMING FACILITIES
CX	CONTRACTS FOR FACILITIES
CY	INTELLECTUAL PROPERTY

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 (DOE) 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 DOE. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts. *2 C.F.R. 200.64(j), .69, .100*

Note: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after December 26, 2014 (see 2 C.F.R. 200.110).

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 DOE's EDGAR website[2] and Uniform Guidance website.[3]

General Compliance

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

Throughout 2 C.F.R. Part 200 when the word "must" is used it indicates a requirement. Whereas, use of the word "should" or "may" indicates a best practice or recommended approach rather than a requirement and permits discretion. *2 C.F.R. 200.101(b)(1)*

Disclosures

Conflicts

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

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

Procurement Standards

District Procedures

The district must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of 2 C.F.R. 200.318, for the acquisition of property or services required under a federal award or subaward. The district's documented procurement procedures [see Competition, below] must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327.

Oversight

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, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. 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 that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts 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. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Records

The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, 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 general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been

used according to the federal statutes, regulations, and the terms and conditions of the federal award. [See also 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See also 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 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 be in compliance with 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 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 including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the district considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal controls" 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 for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this provision preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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). [See Procurement Standards, above]

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

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

2 C.F.R. 200.319

Procurement Methods

The district must have 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) for any of the following methods of procurement used for the acquisition of property or services required under a federal award or sub-award. *2 C.F. R. 200.320*

Informal Procurement Methods

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1, or a lower threshold established by a district, formal procurement methods are not required. The district may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

Micro-Purchases—Definitions

"Micro-purchase" means a purchase of 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 as defined 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, 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 $10,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Micro-Purchase Distribution

The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of "micro-purchase" above.] To the maximum 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 to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the district. *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 awarding agency 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 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 with the requirements included in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until there is a change in status in which the justification was approved. *2 C.F.R. 200.320(a)(1)(v)*

Small Purchases—Procedures

The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the district. *2 C.F.R. 200.320(a)(2)(i)*

Small Purchases—Simplified Acquisition 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. However, in no circumstances can this threshold exceed the dollar value established in the FAR

(48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. *2 C.F.R. 200.1, .320(a)(2)(ii)*

Simplified acquisition threshold means $250,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Formal Procurement Methods

When the value of the procurement for property or services under a federal financial assistance award exceeds the simplified acquisition threshold, or a lower threshold established by a district, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or 200.320(c). The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

Sealed Bids

A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [*sic*].

In order 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 are 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 on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;

4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

5. Any or all bids may be rejected if there is a sound documented reason.

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

Proposals A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

2. The district must have a written method for conducting technical evaluations of the proposals received and making selections;

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

4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms 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 noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
2. The item is available only from a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the district; or
5. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Cooperative Purchasing

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the district is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with applied to documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements [*sic*]. *2 C.F.R. 200.318(e)*

Affirmative Steps

The district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

2 C.F.R. 200.321

Domestic Preference

As appropriate and to the extent consistent with law, the district should, to the greatest extent practicable under a federal award, 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 including all contracts and purchase orders for work or products under this award.

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

The district must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, 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 or offer is received in response to a solicitation;

3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a “brand name” product;

4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; 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 in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the district must make independent estimates before receiving bids or proposals.

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that 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 that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

Contract Provisions

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

Suspension and Debarment

Districts are subject to the non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

Remedies for Noncompliance

If a district fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.339

Travel Costs

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, 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, and results in charges consistent with those normally allowed in like circumstances in the district's non-federally funded activities and in accordance with the district's written travel reimbursement policies.

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her 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 annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, 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 that are acquired or improved with a 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 awarding agency 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 a federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the district must not dispose of or encumber its title or other interests.

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

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

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

3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment

Title and Use

Subject to the requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a 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, the title must be a conditional title. Title must vest in the district 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. Not encumber the property without approval of the federal awarding agency or pass-through entity.

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

Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c).

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, 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 original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the fed-

eral award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2). *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 property for the originally-authorized purpose, and must not encumber the property without approval of the federal awarding agency. 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)*

Direct Grant Programs

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the DOE. *34 C.F.R. 75.1*

State-Administered Programs

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the DOE. *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 DOE 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] DOE EDGAR website:
https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] DOE Uniform Guidance website:
https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html

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Tax Rate Adoption

Maintenance Taxes

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. *Education Code 45.002, .003(a)*

Restriction on Maintenance Tax Levy

A district may not increase the rate of the district's maintenance taxes to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. *Education Code 45.0021(a)* [See Taxpayer Injunction, below]

Maintenance Tax Rate Components

Tier One

A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the maximum compressed rate, as determined under Education Code 48.2551.

Maximum Compressed Rate

"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per $100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates.

Education Code 48.2551

School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d).

TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district.

19 TAC 61.1000(b), (c), (h)

TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR ten calendar days following TEA's approval of the district's preliminary MCR. *19 TAC 61.1000(d)–(f)*

A district may appeal its preliminary MCR through the following process:

1. The TEA division responsible for MCRs must receive a written appeal no later than ten calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.

2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and

2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject to Disaster Exception

For a district to which the Disaster Exception to Election Requirement described below applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(1)(C) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

Maximum Tax Rate

For any year, the maintenance tax rate per $100 of taxable value adopted by the district may not exceed the rate equal to the sum of $0.17 and the district’s maximum compressed rate, as determined under Education Code 48.2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with 2005 Tax Rate over $1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than $1.50 per $100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that

exceeds the rate per $100 of taxable value that is equal to the sum of $0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which $1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by $1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. *Tax Code 6.23(b)*

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

Certified Estimate of Values

By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property. *Tax Code 26.01(e)*

Appraisal Roll

By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district.

If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district.

Tax Code 26.01(a)–(a-1)

By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

Tax Code 26.04(b)

Designated Employee/Officer to Calculate Rates

After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district.

Required Calculation Forms

The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate.

Calculation Forms to County Tax Assessor-Collector

As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.

Tax Code 26.04(c), (d-1), (d-3)

[See CE regarding the requirement to attach tax rate calculation forms as an appendix to a district's budget.]

Truth-in-Taxation Requirements

Note: The *Truth in Taxation* website maintained by the Texas comptroller of public accounts offers detailed guidance on setting local property tax rates for school districts.[1]

Traditional Method

When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax 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(a), (g)* [See CE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

Form and Contents

The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1).

The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

Education Code 44.004(b)–(d)

Debt Service Rate Decrease

If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

Districts with July 1 Fiscal Year

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property 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.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or

2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

Early Adoption Method

Notwithstanding the provisions above or at Deadline below, 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 as provided above. Following adoption of the tax rate, 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)*

The board of a district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the district if the chief appraiser of the appraisal district in which the district participates has certified to the assessor for the district an estimate of the taxable value of property in the district as specified at Certified Estimate of Values above. If a district adopts a tax rate under this provision, the no-new-revenue tax rate and the voter-approval tax rate of the district shall be calculated based on the certified estimate of taxable value. *Tax Code 26.05(g)*

Tax Rate Adoption Requirements

Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the district, except that the board must adopt a

tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the district for the next year.

Tax Code 26.05(a)

Tax Date for Certain Districts

A district that before January 1, 1989, has for at least ten years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42. *Tax Code 26.135*

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate."

Language and Internet Posting

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund

maintenance and operation expenditures of the district that exceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

    a. The following statement: “THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

    b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount).”; and

2. Include on the home page of any internet website operated by the district:

    a. The following statement: “(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

    b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount).”

Tax Code 26.05(b)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district’s tax roll. *Tax Code 26.09(a), (e)*

Failure to Adopt Tax Rate

If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district for that tax year is the lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the district for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. *Tax Code 26.05(c)*

Taxpayer Injunction

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements of Education Code 44.004(b), (c), (c-1), (c-2), and (d), and, if applicable, (i) [see above at Published Notice, including Form and Contents, and Districts with July 1 Fiscal Year, if applicable] and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 44.004(e)*

A person who owns taxable property is entitled to an injunction prohibiting the district in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the district, the chief appraiser of the applicable appraisal district, or the district, as applicable, has not complied with the computation, publication, or posting requirements of Tax Code 26.04 or 26.16, 26.17, or 26.18 [see below at Tax Information to County, Appraisal District Property Tax Database, and Internet Posting of Tax Rate and Budget Information]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. *Tax Code 26.04(g)*

A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a district in which the property is taxable if the district has not complied with the requirements of Tax Code 26.04 and 26.05 [see above at Designated Employee/Officer to Calculate Rates and Tax Rate Adoption Requirements]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. An action to enjoin the collection of taxes must be filed not later than the 15th day after the date the district adopts a tax rate. A property owner is not required to pay the taxes imposed by a district on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the district on the owner's property is pending. If the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid,

together with reasonable attorney's fees and court costs. The property owner is not required to apply to the collector for the district to receive the refund. *Tax Code 26.05(e)*

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of Education Code 45.0021(a) [see above at Restriction on Maintenance Tax Levy]. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)–(b)*

Appraisal District Property Tax Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

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 this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18 in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for required information]

Election to Approve Tax Rate

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Voter-Approval Tax Rate

For purposes of Tax Code 26.08, the voter-approval tax rate of a district is the sum of the following:

1. The rate per $100 of taxable value that is equal to the district's maximum compressed tax rate for the current year;

2. The greater of:

a. The district's enrichment tax rate for the preceding tax year, less any amount by which the district is required to reduce the district's enrichment tax rate under Education Code 48.202(f) in the current tax year; or

b. The rate of $0.05 per $100 of taxable value; and

3. The district's current debt rate.

Tax Code 26.08(n)

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall 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 and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

Legislative Budget Board Guidelines

The Legislative Budget Board (LBB) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and efficiently and identification of cost savings or reallocations. The auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

Efficiency Audit Guidelines[2] are found on the LBB website.

Disaster Exception

To Efficiency Audit Requirement

The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. *Education Code 11.184(b-1)*

To Election Requirement

When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted under this provision applies only in the year for which the rate is adopted. If a district adopts a tax rate under this provision, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate. *Tax Code 26.08(a-1)*

Time for Election

The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. *Tax Code 26.08(b)*

Uniform Election Date

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day.

An election to ratify a tax rate adopted by a board under the early adoption method described above shall be ordered not later than the 30th day before election day.

Election Code 3.005 [See BBBA]

Notice to County Clerk

The board shall deliver notice of the election to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day.

Exception

A board that orders an election to ratify a tax rate adopted by the board under the early adoption method described above shall deliver notice of the election to the county clerk of each county in which the district is located not later than the 30th day before election day.

Election Code 4.008

Proposition	At the election, the ballots shall be prepared to permit voting for or against the proposition: "Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional $_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year).". *Tax Code 26.08(b)* In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Election Code 52.072(e)(1)* Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*
Election Outcome	If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)–(d)*

[1] Truth-in-Taxation: Tax Rate Adoption: https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php
[2] LBB Efficiency Audit Guidelines: http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

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 and Bro., 48 S.W.2d 983 (Comm. App. 1932)*

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. *Education Code 45.105(b)*

Local funds from district taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for 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]; and for other purposes necessary in the conduct of the public schools determined by the board. *Education Code 45.105(c)*

Public funds of a 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. *Education Code 44.006(a)*

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*

Funds for Accelerated Instruction

A district that is required to provide accelerated instruction under Education Code 29.081(b-1) [see EHBC] 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

Amendment of Approved Budget

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*

Failure to Comply with Budget Requirements

A board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor 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

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.

Improvements to Real Property

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.

Annual Audit

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

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

Education Code 44.008(a), (b)

Audit Requirements and Procedures

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide*, as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

Independent Auditor

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:

   a. Texas public school district environment;

   b. Public sector; or

   c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, dated July 2019, which is adopted by reference as TEA's official rule. *19 TAC 109.41*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

Financial Accountability Rating System

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)–(o)

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114.

Definitions

The following words and terms, when used in these provisions, shall have the following meanings, unless the context clearly indicates otherwise.

Drill: A set of procedures that test a single, specific operation or function. Drill examples include evacuating for a fire or locking down from an internal threat.

Secure (Lockout): A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. Secure (Lockout) uses the security of the physical facility to act as protection to deny entry.

Lockdown: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Evacuate: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Shelter-in-place for hazmat: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Shelter-in-place for hazmat examples include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

Frequency

Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1029, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure (Lockout)—One per school year.
2. Lockdown—Two per school year (once per semester).
3. Evacuate—One per school year.
4. Shelter-in-place for hazmat—One per school year.
5. Shelter for severe weather—One per school year.
6. Fire evacuation drill—Four per school year (two per semester). In addition, districts should consult with their local fire marshal and comply with their local fire marshal's requirements and recommendations.

19 TAC 103.1209

Eye and Face Protection

Required Devices

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

Recommended Guidelines

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled “Eye and Face Protection,” available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, TDSHS recommends the guidelines entitled “Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection,” available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;

4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141–.142

Texas Department of Agriculture Authority

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

Note: Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

Program Compliance

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of "school food authority," see COA(LEGAL).]

Administrative Review

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

"Administrative reviews" means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

Note: For recordkeeping and retention information, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[1] Section 30, *Records Retention*.

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. *7 C.F.R. 210.30(b)*

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. *See Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart, 7 C.F.R. 210.30(b)(2).*

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:
    a. Accumulating a negative balance on the student's card or account; or
    b. Otherwise receiving an extension of credit from the district;

2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.

2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.

3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.

4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies*[2] *(July 8, 2016)*

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to donate food to a nonprofit organization through an official of the nonprofit organization who is affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated may include packaged and unpackaged unserved food, packaged served food if the packaging is in good condition, whole uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

Food donated to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing as volunteers of the nonprofit organization.

A district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

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[1] TDA's Food and Nutrition Division Administrator's Reference Manual: https://squaremeals.org/FandNResources/Handbooks.aspx
[2] USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies:* https://fns-prod.azureedge.net/sites/default/files/cn/SP46-2016os.pdf

Note: For additional legal requirements applicable to purchases with federal funds, including 2 C.F.R. 200, see CBB.

For more information on U.S. Department of Agriculture (USDA) procurement requirements, see the Texas Department of Agriculture's (TDA) Food and Nutrition Division *Administrator's Reference Manual*,[1] Sections 17, *Procurement;* 17a, *Procurement Procedures;* 17b, *Buy American;* and 17c, *Cooperative Purchasing*.

Definitions

For purposes of this policy, "2 C.F.R. Part 200" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB). The part reference covers applicable: Acronyms and Definitions (Subpart A), General Provisions (Subpart B), Post Federal Award Requirements (Subpart D), Cost Principles (Subpart E), and Audit Requirements (Subpart F). [Note: Pre-Federal Award Requirements and Contents of Federal Awards (Subpart C) does not apply to the National School Lunch Program]. *7 C.F.R. 210.2, 220.2*

School Food Authority

"School food authority" (SFA) means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the program therein or be otherwise approved by the USDA Food and Nutrition Service (FNS) to operate the program.

Program

"Program" means the National School Lunch Program (NSLP) and the Commodity School Program or the School Breakfast Program (SBP), as applicable.

Nonprofit School Food Service

"Nonprofit School Food Service" means all food service operations conducted by the SFA principally for the benefit of school children, all the revenue from which is used solely for the operation or improvement of such food services.

Nonprofit School Food Service Account

"Nonprofit School Food Service Account" means the restricted account in which all the revenue from all food service operations conducted by the SFA principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service.

Cost Reimbursable Contract

"Cost reimbursable contract" means a contract that provides for payment of incurred costs to the extent prescribed in the contract, with or without a fixed fee.

7 C.F.R. 210.2, 220.2

Administration

The SFA shall be responsible for the administration of the program in schools. *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*,[2] 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 a non-federal 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.

2 C.F.R. 400.2

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.

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. 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.

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/FandNResources/Handbooks.aspx
[2] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/FandNResources/Handbooks.aspx

Free and Reduced-Price Meals

The school food authority (SFA) shall ensure that lunches and meal supplements are made available free or at a reduced-price to all children who are determined by the SFA to be eligible for such benefits. The determination of a child's eligibility for free or reduced-price lunches and meal supplements is to be made in accordance with 7 C.F.R. Part 245. *7 C.F.R. 210.23(a)* [For information regarding participation in the School Breakfast Program (SBP), see 7 C.F.R. 220.7 and School Meals Program Options, below.]

[For the definition of "school food authority," see COA(LEGAL).]

Eligibility Appeals

Each local educational agency (LEA) of a school participating in the National School Lunch Program (NSLP), SBP, or the Special Milk Program (7 C.F.R. Part 215) or of a commodity-only school shall establish a hearing procedure under which:

1. A family can appeal from a decision made by the LEA with respect to an application the family has made for free or reduced-price meals or for free milk, and
2. The LEA can challenge the continued eligibility of any child for a free or reduced-price meal or for free milk. The hearing procedure shall provide for both the family and the local educational agency:
    a. A simple, publicly announced method to make an oral or written request for a hearing;
    b. An opportunity to be assisted or represented by an attorney or other person;
    c. An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;
    d. That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;
    e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
    f. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
    g. That the hearing shall be conducted and the decision made by a hearing official who did not participate in

making the decision under appeal or in any previously held conference;

h. That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

i. That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;

j. That a written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and

k. That the written record of each hearing shall be preserved for a period of three years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

7 C.F.R. 245.7

"Local Educational Agency" "Local educational agency" means a public board of education legally constituted within a state for administrative control or direction of public elementary schools or secondary schools in a school district. *7 C.F.R. 245.2*

Claims for Reimbursement

Internal Controls The school food authority shall establish internal controls which ensure the accuracy of meal counts prior to the submission of the monthly claim for reimbursement under the NSLP or the SBP, as applicable. At a minimum, these internal controls shall include an on-site review of the meal counting and claiming system employed by each school within the jurisdiction of the SFA; comparisons of daily free, reduced-price, and paid meal counts against data which will assist in the identification of meal counts in excess of the number of free, reduced-price, and paid meals served each day to children eligible for such meals; and a system for following up on those meal counts which suggest the likelihood of meal counting problems. *7 C.F.R. 210.8(a), 220.11(a)*

On-Site Reviews Every school year, each SFA with more than one school shall perform no less than one on-site review of the counting and claiming system and the readily observable general areas of review cited under 7 C.F.R. 210.18(h) [regarding general areas of review by the Texas Department of Agriculture (TDA)] for each school under its

jurisdiction under the NSLP, and for a minimum of 50 percent of schools under its jurisdiction with every school being reviewed at least once every two years under the SBP.

The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the SFA shall ensure that the school implements corrective action and, within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price, and paid meals, respectively, served for each day of operation.

7 C.F.R. 210.8(a)(1), 220.11(d)(1)

Nondiscrimination and Confidentiality

Nondiscrimination

In the operation of the program, no child shall be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex, or disability. SFAs shall comply with the requirements of:

1. Title VI of the Civil Rights Act of 1964,
2. Title IX of the Education Amendments of 1972,
3. Section 504 of the Rehabilitation Act of 1973,
4. The Age Discrimination Act of 1975,
5. The U.S. Department of Agriculture (USDA) regulations on nondiscrimination (7 C.F.R. Parts 15, 15a, and 15b), and
6. Food and Nutrition Service (FNS) Instruction 113-1.

7 C.F.R. 210.23(b)

Note: FNS Instruction 113-1,[1] USDA posters[2] and nondiscrimination statement[3] for use by SFAs for all FNS programs, and other information may be found on the USDA FNS Civil Rights website.[4] For information on handling civil rights complaints, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[5] Section 3, *Civil Rights & Confidentiality*.

SFAs participating in the NSLP, SBP, Special Milk Program, or commodity-only schools shall take all actions that are necessary to ensure compliance with the following nondiscrimination practices

for children eligible to receive free and reduced-price meals or free milk:

1. The names of the children shall not be published, posted or announced in any manner;
2. There shall be no overt identification of any of the children by the use of special tokens or tickets or by any other means;
3. The children shall not be required to work for their meals or milk;
4. The children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance or consume their meals or milk at a different time; and
5. When more than one lunch or breakfast or type of milk is offered which meets the requirements prescribed in applicable federal regulations, the children shall have the same choice of meals or milk that is available to those children who pay the full price for their meal or milk.

7 C.F.R. 245.8

Confidentiality

The use or disclosure of any information obtained from an application for free or reduced-price meals, or from a state or local agency referred to in 7 U.S.C. 1758(b)(3)(F), (4), or (5) shall be limited in accordance with section 9 of the Richard B. Russell National School Lunch Act. *42 U.S.C. 1758(b)(6); 7 C.F.R. 245.6(f)–(j)*

Unauthorized Disclosure or Misuse of Information

In accordance with section 9(b)(6)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)), any individual who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by statute or this section, any information obtained under this section will be fined not more than $1,000 or imprisoned for up to one year, or both. *7 C.F.R. 245.6(k)*

School Meals Program Options

If at least ten percent of the students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the board shall either:

1. Participate in the national program and extend its benefits to all eligible students in the school or schools; or
2. Develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the

reduced price may not exceed the maximum allowable rate under federal law.

A district is permitted to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.

Free Breakfast

A campus participating in the national school breakfast program or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

Waiver

The commissioner of education shall grant a waiver of the free breakfast requirement, not to exceed one year, to a campus if the board votes to request the waiver at the board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the board shall list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

Education Code 33.901

Summer Nutrition Program

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq. shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

Notice from TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

Notice to TDA

Each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer; or request in writing that TDA grant the district a waiver of the requirement. *Agriculture Code 12.0029(e)*

Required Documentation

A district that arranges for the provision of a summer nutrition program must enter into an agreement to partner or collaborate with a local governmental entity, educational institution, or private nonprofit organization to ensure meal service for children in the district's attendance area and must provide TDA with written documentation of the arrangement no later than April 1 of each year. *4 TAC 25.601(b)*

Waiver

Not later than November 30 of each year, the board of a district that intends to request a waiver must send written notice of the district's intention to the district's local school health advisory council. The notice must include an explanation of the district's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

TDA may grant a district a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The district has worked with the TDA field offices to identify another possible provider for the program in the district, and the district provides documentation, verified by TDA, showing that:
    a. There are fewer than 100 children in the district currently eligible for the national free or reduced-price lunch program;
    b. Transportation to enable district students to participate in the program is an insurmountable obstacle to the district's ability to provide or arrange for the provision of the program despite consultation by the district with public transit providers;
    c. The district is unable to provide or arrange for the provision of a program due to renovation or construction of district facilities and the unavailability of an appropriate alternate provider or site; or
    d. The district is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or
2. The cost to the district to provide or arrange for provision of a program would be cost-prohibitive, as determined by TDA using the criteria and methodology established by TDA rule.

Agriculture Code 12.0029(f); 4 TAC 25.601(d), (e)

Alternate Provider

If a district has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an alternate provider for the district's summer nutrition program. *Agriculture Code 12.0029(i)*

Community Eligibility Provision

The community eligibility provision (CEP) is an alternative reimbursement option for eligible high-poverty districts. Each CEP cycle lasts up to four years before the LEA or school is required to recalculate their reimbursement rate. LEAs and schools have the option to recalculate sooner, if desired. An LEA may elect this provision for all of its schools, a group of schools, or an individual school. Participating LEAs must offer free breakfasts and lunches for the length of their CEP cycle, not to exceed four successive years, to all children attending participating schools and receive meal reimbursement based on claiming percentages, as described in 7 C.F.R. 245.9(f)(4)(v). *7 C.F.R. 245.9(f); 42 U.S.C. 1759a(a)(1)(F)*

To be eligible to participate in the CEP, an LEA, group of schools, or school must:

1. Have an identified student percentage of at least 40 percent, as of April 1 of the school year prior to participating in the CEP, unless otherwise specified by the USDA Food and Nutrition Service (FNS). Individual schools participating in a group may have less than 40 percent identified students, provided that the average identified student percentage for the group is at least 40 percent.

2. Participate in the NSLP and SBP for the duration of the four-year cycle. Schools that operate on a limited schedule, where it is not operationally feasible to offer both lunch and breakfast, may elect CEP with FNS approval.

3. Comply with the procedures and requirements specified in 7 C.F.R. 245.9(f)(4) to participate in the CEP.

7 C.F.R. 245.9(f)(3)

[For information on other special assistance certification and reimbursement alternatives, see 7 C.F.R. 245.9.]

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[1] FNS Instruction 113-1 document: https://fns-prod.azureedge.net/sites/default/files/113-1.pdf
[2] USDA FNS "And Justice for All" posters: https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations
[3] USDA nondiscrimination statement: https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs
[4] USDA FNS Civil Rights website: https://www.fns.usda.gov/civil-rights

[5] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/FandNResources/Handbooks.aspx

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under the Open Meetings Act (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 2051.151–.152

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]

2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]

3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]

4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]

5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]

6. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]

9. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

10. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

11. A district shall post an election notice required under Election Code 85.007. [See BBBA]

12. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

13. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

14. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

15. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

16. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

17. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

18. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

19. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

20. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

21. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

22. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

23. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

24. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

25. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

26. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

27. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

28. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1–.6 on its website

until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

29. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

30. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

31. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

32. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

33. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

34. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

35. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

36. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

37. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

38. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

39. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

40. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

41. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

42. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

43. Each school year, the board shall post a summary of the Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

44. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

45. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

46. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

47. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

48. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

49. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]

50. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]

2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]

3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information

about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf

Plan

The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.

Coordinator

The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.

Training

The Board delegates to the Superintendent the authority to:

1. Determine the cybersecurity training program to be annually completed by each employee and Board member; and
2. Verify and report compliance with staff training requirements in accordance with guidance from the Department of Information Resources.

The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.

Security Breach Notifications

Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:

1. Written notice.
2. Email, if the District has email addresses for the affected persons.
3. Conspicuous posting on the District's websites.
4. Publication through broadcast media.

The District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information to TEA and parents in accordance with law.

Design or Construction of Instructional or Athletic Facilities

A district and an institution of higher education, as defined by Education Code 61.003, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more districts and an institution of higher education, as defined by Education Code 61.003, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of district students in courses offered at that facility.

An independent school district and a municipality, located wholly or partially in the boundaries of a county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. A district may contribute district resources under this provision only if the district and municipality enter into a written agreement authorizing the district to use that facility.

Education Code 45.109(a-1), (a-2), (a-3)

Use of Athletic Facilities

A district, acting by and through its board, may contract with any corporation, municipality, or institution of higher education, as defined by Education Code 61.003, located wholly or partially in its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the other entity. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties.

The district may enter into a contract for the use of athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public schools of the district.

Education Code 45.109(a), (b)

Maintenance Tax Authorization

The consideration for a contract under Education Code 45.109 may be paid from any source available to the district. If voted as provided below, the board may pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of the consideration. If voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to the district for other maintenance taxes.

Election

A maintenance tax may not be pledged to the payment of any contract under Education Code 45.109 or assessed, levied, or collected unless an election is held in the district and the maintenance tax is favorably voted by a majority of the qualified voters of the district voting at the election. The election order for an election under this provision must include the polling place or places and any other matters considered advisable by the board. [See BBB series regarding elections]

Education Code 45.109(c)–(d)

Note: This policy addresses the prohibition against discrimination in hiring and discharging employees. For legally referenced material relating to prohibited discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment, see DIA(LEGAL).

Unlawful Hiring and Discharge

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge any individual because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability; or
6. Genetic information [see DAB].

Federal Law

Section 1981 of the Civil Rights Act of 1866 (Section 1981)—race. *42 U.S.C. 1981*

Title VII of the Civil Rights Act of 1964 (Title VII)—race, color, religion, sex, and national origin. *42 U.S.C. 2000e et seq.*

Age Discrimination in Employment Act of 1967 (ADEA)—age, over 40. *29 U.S.C. 621 et seq.*

Section 504 of the Rehabilitation Act of 1973 (Section 504)—disability in programs receiving federal funds. *29 U.S.C. 794*

Title I of the Americans with Disabilities Act of 1990 (ADA)—disability. *42 U.S.C. 12101 et seq.*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)—genetic information. *42 U.S.C. 2000ff et seq.*

Note: Title VII, the ADA, and GINA do not apply to employers unless the employer has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *42 U.S.C. 2000e(b); 42 U.S.C. 12111(5); 42 U.S.C. 2000ff(2)(B)*

State Law

Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. *Labor Code 21.051, .402*

State policy on employment of persons with disabilities. *Human Resources Code 121.003(f)*

Discriminatory Practices

Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). *Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)*

Disparate Treatment

Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. *29 C.F.R. 1607.11*

Disparate Impact

Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. *42 U.S.C. 2000e-2(k)(1)(A); Labor Code 21.115, .122*

Limited Exception—Bona Fide Job Qualification

A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); Labor Code 21.119*

Prohibition on Retaliation

A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); Labor Code 21.055*
[See DIA]

Notices

A district shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

Section 504 Notice

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the district does not discriminate in employment in its programs and activities; and
2. The identity of the district's 504 coordinator.

Methods of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in district publications; and
4. Distributing memoranda or other written communications.

If a district publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 C.F.R. 104.8

Employment Postings

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

Religious Discrimination

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108*

Unlawful Inquiry into Religious Affiliation

A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. *Education Code 22.901*

Sex Discrimination

Pregnancy

The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106*

Gay and Transgender	The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. *Bostock v. Clayton County, Georgia, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)*
Gender Stereotypes	A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*
Age Discrimination	The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *29 U.S.C. 631; Labor Code 21.101*
Bona Fide Employee Benefit Plan	A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f); Labor Code 21.102*
Disability Discrimination	A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051* In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. *34 C.F.R. 300.177(b)* [See DIA]
Other Forms of Discrimination	A district shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. A district shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA). *38 U.S.C. 4311* [See also DECB]
Military Service	
Bankruptcy Discrimination	A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was

granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. *11 U.S.C. 525(a)*

Student Loan Repayment

A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

Occupations Code 56.001, .003

Note: The Board has adopted an innovation plan[1] that affects application of provisions in this legally referenced policy.

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Notice to Parents

Teacher Qualifications

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, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the district shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the student's teacher:
    a. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
    b. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; and
    c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

20 U.S.C. 6312(e)(1)(A)

Federally Required Notice—Lack of Credentials

A school that receives such federal funds shall also provide to each individual parent of a child who is a student in such school, with respect to such student, 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. *20 U.S.C. 6312(e)(1)(B)(ii)*

State-Required Notice—Lack of Credentials

If a district assigns an inappropriately certified or uncertified teacher (as defined below) 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.

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.

An "inappropriately certified or uncertified teacher" includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by State Board for Educator Certification (SBEC) rules specifying the certificate required for an assignment;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the commissioner of education.

The state notice requirement does not apply if a school is required in accordance with Section 1006, Every Student Succeeds Act [20 U.S.C. Section 6312(e)(1)(B)(ii)], to provide notice to a parent or guardian regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned, provided the school provides notice as required by that Act. [See Federally Required Notice—Lack of Credentials, above]

Education Code 21.057; 19 TAC 231.1

Professional Personnel

Certificate

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a district unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person's certificate for filing with a district before the person's contract with a board is binding.

A person is not required to hold a certificate under Education Code 21.0487 to be employed by a district as a Junior Reserve Officer Training Corps instructor.

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

Education Code 21.003(a), .0487(d), .053(a)–(b)

License

A person may not be employed by a district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for a district only if the person holds the appropriate credentials from the appropriate state agency.

A person employed by a district before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the district.

Education Code 21.003(b)

School District Teaching Permit

A district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. To be eligible for a school district teaching permit, a person must hold a baccalaureate degree. *Education Code 21.055(a)–(b)*

Statement to Commissioner

Promptly after employing a person under a school district permit, a district shall send a written statement to the commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the commissioner.

Not later than the 30th day after the commissioner receives a district's statement, the commissioner may inform the district that the person is not qualified to teach. The person may not teach if the commissioner finds that the person is not qualified. If the commissioner fails to act before the 30th day after receiving the statement, a district may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the commissioner.

Education Code 21.055(c)–(d)

Noncore Career and Technical Courses

The following requirements do not apply to a person who will teach only noncore academic career and technical education courses:

1. The requirement to hold a baccalaureate degree;
2. The requirement that the district send a written statement to the commissioner identifying the person, the person's qualifications as a teacher, and the subject or class the person will teach; and

3. The requirement that the commissioner inform the district in writing if the commissioner finds the person to be not qualified to teach.

A board may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught.

The superintendent shall certify to the board that a new employee has undergone a criminal background check and is capable of proper classroom management. A district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board.

A person may teach a career and technical education course immediately upon issuance of a permit. Promptly after employing a person who qualifies under Education Code 21.055(d-1), the board shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

Education Code 21.055(d-1)

Duration of Permit

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. *Education Code 21.055(e)*

Emergency Permit

Emergency permits are issued under the authority of SBEC. *19 TAC 230.71(a)*

Activation

A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment, as specified in 19 Administrative Code Chapter 231 (Requirements for Public School Personnel Assignments).

In order to activate an emergency permit, the superintendent or designee must:

1. Document locally the efforts the district has taken to employ an appropriately certified individual in the position for which an emergency permit is activated;

2. Apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to the Texas Education Agency (TEA) within 45 instructional days of the date of assignment;

3. Verify that the district maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. However, a district shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years' experience within the district, as defined at 19 Administrative Code Chapter 153, Subchapter CC; and

4. Verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in 19 Administrative Code Chapter 230, Subchapter F.

19 TAC 230.71(d)

Temporary Vacancies

A district is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. A district must, however, comply with the parent notification requirements above. *19 TAC 230.71(i)*

General Eligibility Requirements

An individual for whom an emergency permit is activated must meet the following criteria:

1. The individual must hold a bachelor's degree or higher from an accredited institution of higher education. [See 19 Administrative Code 230.75(1) for career and technical and trade and industrial education assignments.]

2. The individual must be at least 18 years of age.

3. The individual must be able to communicate and understand the English language sufficiently to use it easily and readily in daily communication and teaching, as specified in 19 Administrative Code 230.11 (General Requirements).

4. The individual must be of good moral character. SBEC may refuse to authorize an emergency permit for an individual, applying the same standards that would be applied to the administrative denial of an applicant for certification under 19 Administrative Code 249.12 (Administrative Denial; Appeal).

5. The individual must submit fingerprints in accordance with 19 Administrative Code 232.35(c) (Submission of Required Information) and Education Code 22.0831. [See DBAA]

19 TAC 230.75

Specific Requirements for Initial Permits

An individual for whom an emergency permit is activated must:

1. Have completed the appropriate semester credit hours or equivalent contact hours required for the emergency permit sought as specified in 19 Administrative Code 230.77, or, for a degreed, certified teacher, have passed the appropriate content specialization portions of the appropriate certification examination required for the target certificate; and

2. Have satisfied the appropriate experience requirement specified in 19 Administrative Code 230.77 for the emergency permit sought.

19 TAC 230.77(a)

SBEC rules provide requirements for the following assignments:

1. Elementary grades (early childhood–grade 6) (general education).

2. Secondary grades (grades 7–12) (general education).

3. All grade levels (early childhood–grade 12) (general education).

4. Career and technical education programs.

5. Special populations, such as English language learners (ELLs) and students with special learning needs.

6. Other instructional and support personnel, such as school counselor, educational diagnostician, school librarian, and JROTC instructor.

19 TAC 230.77 (b)–(g)

Hardship Exception

An emergency permit may be authorized on a hardship basis for an individual who does not meet all eligibility requirements only if approval has been granted and email notification received from TEA staff. The district must:

1. Document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;
2. Verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and
3. Verify:
    a. That the individual will be enrolled in the first available course listed on the certification plan; or
    b. Registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree or higher from an accredited institution of higher education and is placed in an assignment requiring a different classroom teaching certificate.

19 TAC 230.71(h)

Holders of Intern or Probationary Certificates

Candidates who hold an intern certificate under the provisions of 19 Administrative Code 230.36 (Intern Certificates) or a probationary certificate under 19 Administrative Code 230.37 (Probationary Certificates) may be employed on an emergency permit during the validity of the intern certificate or probationary certificate, if the emergency permit is being issued in a certificate area not available through the educator preparation program that provided recommendation for the intern certificate or probationary certificate. *19 TAC 230.71(j)*

Procedures for Initial Permit

The superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit [see General Eligibility Requirements and Specific Requirements for Initial Permits, above] and submit online to TEA the following information within 45 instructional days of assignment.

For all assignments (except career and technical education assignments based on skill and experience):

1. A completed online emergency permit application;
2. One of the following:
    a. A certification plan from an approved Texas educator preparation program (EPP); or
    b. Verification of registration for an appropriate certification examination for a teacher that is already certified; and
3. The appropriate fee (payable by the school district).

For career and technical education assignments based on skill and experience:

1. A completed online emergency permit application;
2. A copy of the individual's statement of qualifications, approved by the certification officer of a Texas EPP;
3. Acceptable license, registration, or certification by a state-authorized or nationally recognized agency in an occupational area appropriate for the assignment;
4. A certification plan from an approved Texas EPP for the career and technical education certificate appropriate for the assignment; and
5. The appropriate fee (payable by the school district).

19 TAC 230.79

Validity of Emergency Permit

The validity date of an activated and authorized emergency permit is specified in 19 Administrative Code 230.97 (Effective Dates of Certificates and Permit Issuance).

An emergency permit is valid for the remainder of the school year for which it is activated and authorized by SBEC. The emergency permit must be submitted to TEA within 45 instructional days from the date of assignment. A permit authorized by SBEC is valid for service only in the requesting district and only for the assignments indicated on the emergency permit application.

Effective with the 2017–18 school year, the employment of an individual on an emergency permit, with the exception of the assignment as a JROTC instructor or a teacher of students with visual impairments may not exceed one school year in the same assignment. [See One-Year Limitation, below]

Prior to the 2017–18 school year, the individual may serve in a specific assignment no more than one additional school year beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in 19 Administrative Code 230.81. [See Renewal Requirements and Procedures, below]

Effective with the 2017–18 school year, to continue employment in the assignment beyond the validity of the initial emergency permit, the individual must hold the appropriate certificate, in accordance with 19 Administrative Code, Chapter 231 (Requirements for Public School Personnel Assignments). An individual may not serve as a

classroom teacher of record in the district for more than three school years without obtaining initial, standard certification.

19 TAC 230.73

One-Year Limitation

Effective with the 2017–18 school year, an emergency permit will limit an individual to one year of service and no renewal will be allowed.

Exceptions

The one-year limitation does not apply to individuals serving in the position of Junior Reserve Officer Training Corps (JROTC) instructor or teachers of students with visual impairments.

As indicated in 19 Administrative Code 230.77(g)(4)(B), emergency permits for JROTC instructors must be reissued every year.

Emergency permits for teachers of students with visual impairments referenced in 19 Administrative Code 230.77(f)(2)(B) may be renewed a maximum of two years.

19 TAC 230.71(b), (c)

Renewal Requirements and Procedures

Effective with the 2017–18 school year, these renewal provisions no longer apply for emergency permits, with the exception of teachers of students with visual impairments. *19 TAC 230.73(f)*

A superintendent, designee, or authorized representative may renew an emergency permit for the same assignment in the same district for which the initial emergency permit was activated.

No individual may continue in the same assignment for more than one school year of service on an emergency permit, except that emergency permits used fewer than 90 calendar days may be renewed for one additional year of service, if needed.

The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible.

For six semester credit hours or less plus appropriate examination requirements, an individual is not eligible for renewal.

For seven semester credit hours or more plus appropriate examination requirements, an individual is eligible for one renewal.

The superintendent or his or her designee or authorized representative may renew an emergency permit provided the following requirements and procedures are met:

1. The emergency permit must be renewed for the same assignment in the same school district.

2. Official transcripts verifying completion of a minimum of six semester credit hours or documentation of completion of equivalent contact hours toward the appropriate target certificate must be placed in the individual's personnel file.

3. If the individual has not completed permit renewal requirements as indicated above, the superintendent or his or her designee must obtain hardship approval from the TEA prior to continuation of the assignment.

4. The appropriate renewal of the emergency permit application must be completed online prior to the beginning date of duties for the current school year.

5. The school district shall pay the appropriate fee.

19 TAC 230.81

Nonrenewable Permits

A superintendent or designee may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in 19 Administrative Code 230.21 (Educator Assessment).

A nonrenewable permit may be activated for an individual who:

1. Has completed all course and degree requirements of a Texas EPP except for successful completion of all appropriate examination requirements. Nonrenewable permits activated for individuals in this category expire 12 months from the date of activation; or

2. Holds a Texas teacher certificate with an effective date before February 1, 1986, but has not revalidated the certificate for employment purposes by passing an examination. The individual must not have been employed in a Texas school district since the start of the 1985–86 school year. A nonrenewable permit activated for an individual in this category expires six months from the date of activation or at the end of the school year, whichever is less.

A nonrenewable permit may not be activated for an individual in the same assignment area for which another permit had previously been authorized.

The superintendent, designee, or authorized representative must verify that an individual is eligible for the permit and submit the following information within 45 calendar days of assignment:

1. An application for a nonrenewable permit completed before the effective date of the assignment; and

2. The appropriate fee (payable by the district).

19 TAC 230.83

Educator Consent

A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair a district's right to implement a necessary reduction in force or other personnel actions in accordance with local policy.

19 TAC 230.71(e)

No Property Right

An emergency permit is authorized for the district for a specific assignment and is not the property of the individual for whom the emergency permit was activated. *19 TAC 230.71(f)*

Unused Permits

If an emergency permit authorized by SBEC is not used, the district shall notify TEA staff by email. *19 TAC 230.71(g)*

Certification of Paraprofessional Employees

Educational aides shall be certified according to standards established by SBEC. *19 TAC 230.51*

Federal Requirements for Teachers and Paraprofessionals

Teachers and paraprofessionals working in a program supported with funds under Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) shall meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *20 U.S.C. 6311(g)(2)(J), 6312(c)(6)*

The state's professional standards for paraprofessionals working in a program supported with Title I funds must include qualifications that were in place under former 20 U.S.C. 6319, as that section existed before December 10, 2015. *20 U.S.C. 6311(g)(2)(M)*

Qualifications Before December 10, 2015

Each district receiving assistance under Title I, Part A of the ESEA shall ensure that all paraprofessionals working in a program supported with those funds shall:

1. Be assigned only duties consistent with the following:

    a. A paraprofessional may be assigned to:

        (1) Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

(2) Assist with classroom management, such as organizing instructional and other materials;

(3) Provide assistance in a computer laboratory;

(4) Conduct parental involvement activities;

(5) Provide support in a library or media center;

(6) Act as a translator; or

(7) Provide instructional services to students in accordance with items (b) and (c).

b. A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with this section; and

c. A paraprofessional may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

2. Regardless of a paraprofessional's hiring date, have earned a secondary school diploma or its recognized equivalent.

3. If hired after January 8, 2002, have one of the following credentials:

a. Completed at least two years of study at an institution of higher education;

b. Obtained an associate's (or higher) degree; or

c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:

(1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

The requirements at item 3, above, shall not apply to a paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or

2. Whose duties consist solely of conducting parental involvement activities.

Former 20 U.S.C. 6319 in effect before Dec. 10, 2015

Federal Requirements for Special Education Teachers

Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school must:

1. Have obtained full state certification as a special education teacher [including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 C.F.R. 2005.56(a)(2)(ii) as in effect November 28, 2008], or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher;

2. Have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

3. Hold at least a bachelor's degree.

20 U.S.C. 1412(a)(14)(C)

CPR and First Aid Certification

A district employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or UIL must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. A district shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

AED Certification

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner must receive and maintain certification in the use of an

automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association. *Education Code 22.902* [See DMA]

School Bus Drivers

Credentials

For purposes of the following provisions, a "school bus driver" is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. *37 TAC 14.1* [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.
2. Possess a valid driver's license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer's designed passenger capacity of the vehicle to be operated.
3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB]
4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.
5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]
6. Possess a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Transp. Code 521.022; 37 TAC 14.11, .12, .14

Pre-Employment Inquiries

An applicant for employment as a school bus driver must disclose to the district:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;

2. Any serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and

3. Any suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

The district shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the district must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The district shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

Annual Evaluation

A district shall, at least once every 12 months, make an inquiry into the complete driving record of each school bus driver it employs, with DPS and with any state in which the individual held a motor vehicle operator's license or permit during that time period. The district shall review the driving record to determine whether the individual meets the minimum requirements described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements). *Transp. Code 521.022(d); 37 TAC 14.14(c)*

Disqualification

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the district of the contents of the notice before the end of the business day following the day the driver received it. A district shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus. *37 TAC 14.14(g)*

Employee Records

Professional Employees

The following records on professional personnel must be readily available for review by the commissioner:

1. Credentials (certificate or license);

2. Service record(s) and any attachments;

3. Contract;

4. Teaching schedule or other assignment record; and

5. Absence from duty reports.

Service Record

The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

The service record must be validated by a person designated by a district to sign service records. The service record shall be kept on file at the district.

Former Employees

On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a district that previously employed the individual shall provide a copy of the individual's service record to the district employing the individual. The district must provide the copy not later than the 30th day after the later of:

1. The date the request is made; or

2. The date of the last day of the individual's service to the district.

The original service record, verified by the employee, shall be given to the employee upon request or sent to the next employing district. A district must maintain a legible copy for audit purposes. A scanned version of the original service record may be considered official if sent directly from one employing district to another employing district.

Education Code 21.4031; 19 TAC 153.1021(b), (d)

Access to Employee Records

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Act. *Gov't Code Ch. 552* [See GBA]

Information in a personnel file is excepted from the requirements of the Public Information Act if the disclosure would constitute a clearly unwarranted invasion of personal privacy.

Except as provided below, an employee of a district shall choose whether to allow public access to information in the district's custody that relates to the employee's home address, home telephone

number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024, .102(a)

The social security number of an employee of a district in the custody of the district is confidential. A district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number. *Gov't Code 552.024(a-1), .147(a-1)*

Employee Right of Access

All information in the personnel file of a district employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by a district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

A district may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Act. A district may assert as grounds for denial of access other provisions of the Public Information Act or other laws that are not intended to protect the employee's privacy interests.

If a district determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, a district shall release the information to the requestor not later than the tenth day after the request for information is received.

Gov't Code 552.023, .102(a), .307

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[1] Innovation Plan: https://www.ltisdschools.org/domain/862

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeal of Employment Actions

A dismissed employee may appeal the dismissal in accordance with DGBA(LOCAL).

Non-Chapter 21 Contracts

The District may employ on non-Chapter 21 contracts, not to be governed by Chapter 21 of the Education Code.

Appeal of Employment Actions

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal in accordance with DGBA(LOCAL).

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 certified classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including teacher eligibility, application procedures and the approval process, system expansion and amendments, monitoring and program evaluation, continuing approval and renewal, and funding. *19 TAC 150.1012*

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

Education Code 21.3521(b); 19 TAC 150.1014

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as recognized. *Education Code 21.3521(c); 19 TAC 150.1013*

Assistance — TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. *Education Code 21.3521(e)*

No Property Right — A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. *Education Code 21.3521(f)*

Teacher Incentive Allotment — For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.

A district shall annually certify that:

1. Funds received were used as follows:
    a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and
    b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and
2. The district prioritized high needs campuses in the district in using funds.

Education Code 48.112(c), (i)

Evaluations — TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*

Mentor Teachers — A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;

2. To the extent practicable, teach the same subject or grade level, as applicable; and

3. Meet the qualifications prescribed by commissioner's rules.

Education Code 21.458(a)

Rules

The commissioner's rules specify the requirements for districts to implement mentor training programs, including program requirements, application approval process, ongoing verification and compliance, allowable expenditures, and program review. *19 TAC 153.1011*

Assignment of Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years. *Education Code 21.458(a-1)*

Requirements for Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;

2. Complete a training program provided by the district;

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 training to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;
3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;
4. Professional development; and
5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and
2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Education Code 21.458(f), (f-1)

Allotment

A school district that has implemented a mentoring program is entitled to an allotment to fund the mentoring program and provide stipends for mentor teachers under a formula adopted by the commissioner.

Funding may be used only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and
3. Mentoring support through providers of mentor training.

Education Code 48.114

Achievement Academy Stipends

A stipend received by a teacher who attends a literacy achievement, mathematics achievement, or a reading-to-learn academy is not considered in determining whether a district is paying the

teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d), .4554(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

Autism Training

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

Retirement Incentives

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

Attendance Supplement

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

Educators' Code of Ethics

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. *19 TAC 247.1*

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 the State Board for Educator Certification (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.

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.

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

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment. For legally referenced material relating to the prohibition against discrimination in hiring and discharging employees, see DAA(LEGAL).

For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

Unlawful Employment Discrimination

It is an unlawful employment practice for a district to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability; or
6. Genetic information [see DAB].

Federal Law

Section 1981 of the Civil Rights Act of 1866 (Section 1981)—race. *42 U.S.C. 1981*

Title VII of the Civil Rights Act of 1964 (Title VII)—race, color, religion, sex, and national origin. *42 U.S.C. 2000e et seq.*

Age Discrimination in Employment Act of 1967 (ADEA)—age, over 40. *29 U.S.C. 621 et seq.*

Section 504 of the Rehabilitation Act of 1973 (Section 504)—disability in programs receiving federal funds. *29 U.S.C. 794*

Title I of the Americans with Disabilities Act of 1990 (ADA)—disability. *42 U.S.C. 12101 et seq.*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)—genetic information. *42 U.S.C. 2000ff et seq.*

Note: Title VII, the ADA, and GINA do not apply to employers unless the employer has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *42 U.S.C. 2000e(b); 42 U.S.C. 12111(5); 42 U.S.C. 2000ff(2)(B)*

State Law

Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. *Labor Code 21.051, .402*

State policy on employment of persons with disabilities. *Human Resources Code 121.003(f)*

Prohibition on Retaliation

A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); Labor Code 21.055*

Harassment-Free Workplace

Harassment on the basis of a protected characteristic is a violation of Title VII. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11(a), 1606.8(a)*

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

29 C.F.R. 1604.11(a), (f), (g)

Same-Sex Harassment

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Criminal Offense—Official Oppression

A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.

A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

Penal Code 39.03(a)(3), (b), (c)

Unpaid Interns

A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring, and fail to take immediate and appropriate corrective action. *Labor Code 21.1065*

National Origin Harassment

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

29 C.F.R. 1606.08(b)

Severe and Pervasive

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Prevention

A district should take all steps necessary to prevent unlawful harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. *29 C.F.R. 1604.11(f)*

Responsibility for Harassment by Third Parties

A district is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the district, its agents, or its supervisory employees knew or should have known of the conduct, unless the district takes immediate and appropriate corrective action. *29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)*

When no tangible employment action is taken, a district may raise the following affirmative defense:

1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Religious Discrimination

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108*

Burden on Free Exercise

A district may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Sex Discrimination

Pregnancy

The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106*

Gay and Transgender

The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. *Bostock v. Clayton County, Georgia, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)*

Gender Stereotypes

A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*

Age Discrimination

The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *29 U.S.C. 631; Labor Code 21.101*

Bona Fide Employee Benefit Plan

A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f); Labor Code 21.102*

Disability Discrimination

A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051*

In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. *34 C.F.R. 300.177(b)*

Discrimination Based on Lack of Disability

The ADA and the TCHRA do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)*

Definition of Disability

"Disability" means:

1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities;

2. A record of having such an impairment; or

3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

"Regarded as" Having an Impairment

An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Transitory and Minor

The "regarded as" prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one

with an actual or expected duration of six months or less. The "transitory" exception does not apply to the "actual disability" or "record of disability" prongs of the definition.

Mitigating Measures

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices, prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses and contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

Other Definitions

"Physical or mental impairment" means:

Physical or Mental Impairment

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

Major Life Activities

"Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

"Major life activities" also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i); Labor Code 21.002

Qualified Individual

"Qualified individual" means an individual who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and

2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to a district's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

Reasonable Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128* [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

"Undue hardship" means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law. *42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)*

Discrimination Based on Relationship

A district shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or

association. *42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11*

Illegal Drugs and Alcohol

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when a district acts on the basis of such use.

Drug Testing

A district is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]

Alcohol Use

The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)*

Qualification Standards

It is unlawful for a district to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. *29 C.F.R. 1630.10(a)*

Direct Threat to Health or Safety

As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)*

Vision Standards and Tests

A district shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity. *42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)*

Communicable Diseases

A district may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. *42 U.S.C. 12113(e); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e); Labor Code 21.002(6)(B)*

Service Animals	A district that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to Section 504 of the Rehabilitation Act (employment discrimination) shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above] A district that is not subject to either Title I or Section 504 shall comply with Title II of the ADA (discrimination by public entity). An employer that is subject to Title II shall comply with 28 C.F.R. Part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FBA]. *28 C.F.R. 35.140*
Title IX	No person, on the basis of sex, shall be excluded from participation in, denied the benefits of, or be subjected to discrimination by a district receiving federal financial assistance. *20 U.S.C. 1681* [See FB, FFH]
Equal Pay	A district may not pay an employee at a rate less than the rate the district pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)*
Grievance Procedures	A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 C.F.R. 104.7(b), .11*
Section 504	
ADA	A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA. *28 C.F.R. 35.107, .140*
Title IX	A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]

Compliance Coordinators

Section 504 — A district that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see DAA] shall also identify the responsible employee so designated. *34 C.F.R. 104.7(a), .8(a)*

ADA — A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. *28 C.F.R. 35.107(a)*

ADEA — A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of the identity of the responsible employee by name or title, address, and telephone number. *34 C.F.R. 110.25(a), (b)*

Title IX — A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. *34 C.F.R. 106.8(a)*

Principal

Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. *Election Code 13.046; 1 TAC 81.7*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Principal's Report to Superintendent

A principal must notify the superintendent not later than the seventh business day after the date:

Educators

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

Noncertified Employees

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. *22 TAC 217.11(2)*

Nursing Peer Review Committee

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

Certified School Counselor

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
    a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
    b. In need of modified instructional strategies; or
    c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

Education Code 33.006

Nonphysician Mental Health Professional

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The Texas Behavioral Health Executive Council (TBHEC) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and the Texas Education Agency (TEA) in safeguarding the rights of school children in Texas, the TBHEC adopts and enforces rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

Licensed Specialist in School Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2)*

School psychological services may be provided in Texas public schools only by an LSSP or other individual authorized by TBHEC in accordance with TBHEC rules. *22 TAC 465.38(e)*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;

3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

22 TAC 465.38(b), (c)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology.

Occupations Code 501.260(c); 22 TAC 465.38(b)(3)

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with Applicable Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

22 TAC 465.38 (f)

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity Requirements

A district shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A "structured activity" is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and

2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

Fine Arts Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High School, College, and Career Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;

2. The distinguished level of achievement described by Education Code 28.025(b-15);

3. Each endorsement described by Education Code 28.025(c-1);

4. College readiness standards; and

5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

High School Courses at Earlier Grades

A district may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

Grades 9–12 Course Offerings

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering.
    a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.
    b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, and Economics with Emphasis on the Free Enterprise System and Its Benefits.
5. Physical education — at least two of the following:

a. Foundations of Personal Fitness;

b. Adventure/Outdoor Education;

c. Aerobic Activities; or

d. Team or Individual Sports.

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 TEA-designated programs of study determined by enrollment as follows:

a. One program of study for a district with fewer than 500 students enrolled in high school;

b. Two programs of study for a district with 501–1,000 students enrolled in high school;

c. Three programs of study for a district with 1,001–2,000 students enrolled in high school;

d. Four programs of study for a district with 1,001–5,000 students enrolled in high school;

e. Five programs of study for a district with 5,001–10,000 students enrolled in high school; and

f. Six programs of study for a district with more than 10,000 students enrolled in high school.

8. Languages other than English — Levels I, II, and III or higher of the same language.

9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles.

10. Speech — Communication Applications.

19 TAC 74.3(b)(2)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

A district may allow a student to enroll concurrently in Algebra I and geometry. *Education Code 28.025(b-6)*

Personal Financial Literacy

Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction. *Education Code 28.0021(b)*

Applied Courses

A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*

Research Writing Component

For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

Parenting Awareness Program
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)

CPR Instruction

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

Waivers for Students with Disabilities

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code, Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to stu-

dents in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

Proper Interaction with a Peace Officer

For any student entering grade 9 in the 2018–19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9–12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the State Board of Education, and the Texas Education Agency. 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

Compensatory Education Allotment

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides. *Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
    a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
    b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

Dropout Prevention Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

a. High-quality, college readiness instruction with strong academic and social supports;

b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and

c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and

3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

Educationally Disadvantaged Students

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;

2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or

3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

Virtual School Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the

state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

Definition of At-Risk Student

"Student at risk of dropping out of school" includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

12. Is homeless [see FD];

13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or

14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under a high school diploma and industry certification charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

Compensatory, Intensive, and Accelerated Instruction

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Accelerated Instruction

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the

student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0217*

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

Dropout Recovery Education Programs

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

Communities in Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent

of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

Optional Extended Year Program

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

Optional Flexible Year Program

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

Optional Flexible School Day Program

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting providing options for public input concerning the proposed application before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

Basic Skills Programs

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

After-School and Summer Intensive Mathematics and Science Programs

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
    a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
    b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;

4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and

5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

Mentoring Services Program

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

Accelerated Reading Instruction Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k)

Intensive Program of Instruction

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:

   a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or

   b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and

2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Graduation Requirements

A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

No Cause of Action

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

Education Code 28.0213

College Preparatory Courses

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
    a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.

Faculty

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
Dual Credit	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
Instructional Materials	Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. *Education Code 28.014*
End-of-Course Exam	A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*

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High School Diploma

A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or

2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;

2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or

3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the

student has complied with this section and may not indicate the manner in which the student complied.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual Graduation Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
    a. The student's parent or person standing in parental relation to the student;
    b. A designated advocate if the parent is unable to serve; or
    c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

English Language Learners

For provisions related to an IGC and English language learners (ELL), see EKB.

Students Who Entered Grade 9 Before the 2011–12 School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);

4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

District Determination — The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. *19 TAC 74.1027(b)*

Alternative Requirements — The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).

Local Alternative Requirements — With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. *19 TAC 74.1027(d)*

Appeals — A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. *19 TAC 74.1027(e); Education Code 28.02541*

Documentation — The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. *19 TAC 74.1027(f)*

Special Education — A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma — Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may

not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

Personal Graduation Plan

Junior High or Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];

4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and

2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by

Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)*
[See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and

3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and

2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

Algebra II Notification

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to

graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i)–(j)

Dual Credit Courses

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

Core Curriculum College Courses

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;

2. JROTC; and

3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:

    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must

follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
    a. In a dual credit course;
    b. In bilingualism and biliteracy;

c. On a College Board advanced placement test or international baccalaureate examination;

d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014–15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements	A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F. *Education Code 28.025; 19 TAC 74.62, .72*
Recommended High School Program	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*
Advanced / Distinguished Achievement High School Program	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*
Substitutions	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*
AP or IB Courses	College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*
Reading	A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district: 1. Adopts policies to identify students in need of additional reading instruction; 2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and 3. Monitors instructional activities to ensure that student needs are addressed. Reading credits may be selected from Reading I, II, or III. *19 TAC 74.61(h), .71(f)*

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-

ment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(f)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(l)*

Modified Curriculum and Content

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(j)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(h)–(i)*

Students Entering Grade 9 in or After the 2014–15 School Year

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily

completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (k)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

   a. The curriculum requirements identified by the SBOE for the foundation high school program; and

   b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

a. Without modification of the curriculum; or

b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8)

Students Entering Grade 9 Before the 2014–15 School Year

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See Special Education, above, and EKB]

19 TAC 89.1070(f)

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommended or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.

2. The student is in grade 11 or 12 and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve

satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.

4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

    a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;

    b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district;

    c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or

    d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational

services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(g), (k)

Graduation of Military Dependents

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

Graduation of Student Who Is Homeless or in Conservatorship of DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

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State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Limited English Proficient Students

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Notice to Parents and Students

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

Testing in Grades 3–8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP 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. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

Kindergarten Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must pro-

vide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled Below High School Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a

course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment 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 TSI as a substitute assessment.

Accountability Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

Verification of Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the

IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board	A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.
To Parents, Students, and Teachers	A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL] *19 TAC 101.3014* TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*
Parents Right-to-Know Under ESEA	As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*
Parental Access	A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*
Out-of-State Transfers	A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
    a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

Faculty — Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice — Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned — A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit — A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials — Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

Security and Confidentiality

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];

3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;

4. Ensure that the only individuals with access to secure test materials are district employees who have:

   a. Met the requirements to participate in the student assessment program;

   b. Received annual training in test security and test administration procedures; and

   c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and

5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;

2. Tampering with student responses;

3. Falsifying holistic ratings or student responses;

4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;

5. Discussing or disclosing secure test content or student responses;

6. Scoring students' tests, either formally or informally;

7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;

8. Responding to secure test questions;

9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;

10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);

11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;

12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;

13. Failing to implement sufficient procedures to prevent student cheating; and

14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;

2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and

3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary

skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

Disciplinary Action and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Note: The terms English language learner, English learner, and limited English proficient student are used interchangeably.

Language Proficiency Assessment Committee (LPAC)

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA.

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
   a. An asylee as defined by 45 C.F.R. 400.41; or
   b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

"Inadequate schooling outside the United States" is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Tests

In kindergarten through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

Limitations on Exemptions

First Year After Enrollment

A LEP student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of a LEP student. *Education Code 39.027(a)(1)*

Subsequent Years

A LEP student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days

during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)

Testing in Grades 3–8

An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version Assessment

A Spanish-speaking English language learner in grades 3–5 may be administered the state's Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student's academic progress.

Linguistically Accommodated Assessments

An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state's mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student's academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above]; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see Definitions, above].

Exemption for Asylee or Refugee

An unschooled asylee or refugee who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

19 TAC 101.1005(b), (c)

Refusal of Services

An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

End-of-Course Assessments

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Non-LEP Students

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

Special Education

Selecting Assessments

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a)

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Tests, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the general English language proficiency assessment, even with allowable accommodations, shall participate in the alternate English language profi-

ciency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Alternative Assessment Instruments

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

Testing Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

Grade Advancement Requirements

The LPAC shall determine appropriate assessment and accelerated instruction for an English language learner who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an English language learner shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)* [See EIE]

Definitions

Active Duty — "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

Children of Military Families — "Children of military families" means a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

Deployment — "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

Transition — "Transition" means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

Uniformed Services — "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

Veteran — "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Education Code 162.002 art. II, §§ A–B, D, Q–S

Applicability

Education Code Chapter 162 shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Exceptions — Education Code Chapter 162 shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;

3. Veterans of the uniformed services, except as provided above; and

4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Education Code 162.002 art. III, §§ A, C

Eligibility for Enrollment

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

Continued Attendance

A transitioning military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Education Code 162.002 art. VI, § A

Education Records

Unofficial Records

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, the district shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

Official Records

Simultaneous with the enrollment and conditional placement of the student, the district shall request the student's official education record from the sending district. Upon receipt of this request, the sending district will process and furnish the official education records to the district within ten days.

Education Code 162.002 art. IV, §§ A–B

Tuition

A district shall be prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or

2. A student who is domiciled in another state and resides in military housing that is located in the district but is exempt from taxation by the district.

Education Code 25.004, 162.002 art. VI, § A

Grade-Level Placement

Students shall be allowed to continue their enrollment at grade level in the district commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in the district, regardless of age. A student transferring after the start of the school year shall enter the district on his or her validated level from an accredited school in the sending state. *Education Code 162.002 art. IV, § D*

Course Placement

When the student transfers before or during the school year, the district shall initially honor placement of the student in educational courses based on the student's enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

Educational Program Placement

The district shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student.

Waivers

District administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered in the district.

Education Code 162.002 art. V, §§ A–B, D

Purple Star Designation

In accordance with Education Code 33.909 and 19 Administrative Code 61.1063, a campus may qualify to earn the Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected student population.*19 TAC 61.1063(a)*

Other Related Policies:

EHBAB — Individualized Education Program (IEP) and ARDs

EIF — Graduation

EKB — State Assessment

FB — Equal Educational Opportunity

FEA — Compulsory Attendance

FFAB — Immunizations

FL — Student Records

FM — Student Activities

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy.

Medication Provided by Parent

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulations:

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan for a student with disabilities.

Medication Provided by District

Except as provided by this policy, the District shall not purchase medication to administer to a student.

Athletic Program

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:

1. The District has prior written consent for medication to be administered [see Medical Treatment, below]; and
2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

Epinephrine

The District authorizes school personnel who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

On Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The District shall ensure that at each campus a sufficient number of authorized individuals are trained to administer epinephrine so

that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.

Maintenance, Availability, and Training

The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus.

Notice to Parents

In accordance with law, the District shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.

Psychotropics

Except as permitted by law, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

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 practices, 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*

Consent to Examinations, Tests, or Treatment

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological 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) [See FNG]

[For more information about consent to medical treatment, including psychological treatment, 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 DP for more information about LSSP and school counselor responsibilities.]

Consent to LSSP

Informed consent for a licensed specialist in school psychology (LSSP) 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]

Sexual Abuse, Trafficking, and Maltreatment Policies and Programs

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 61.1051(b)(3)

Definitions

Child Abuse or Neglect — The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment — This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child — This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

By Any Person — Any person who has 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)*

Abuse of Persons with Disabilities — A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

By a Professional

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.

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, and juvenile detention or correctional officers.

Family Code 261.101(b)

Adult Victims of Abuse

A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

To Whom Reported

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)

JJAEPs

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

Immunity from Liability

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

Confidentiality of Report

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act), and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code

21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:

    a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

    b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;

2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and

3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

Annual Distribution and Staff Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS Texas Abuse Hotline website[1] for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

[1] Texas Abuse Hotline website: https://www.txabusehotline.org/

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Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; and

2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083* [See BQ]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681* [See also FB regarding Title IX]

Designation of Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

Parties Entitled to Notice	The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator. *34 C.F.R. 106.8(a)*
Reporting	Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
Notification of Policy	A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both. *34 C.F.R. 106.2(d), .8(b)(1)*
Publication Requirements	A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above. A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX. *34 C.F.R. 106.8(b)(2)*

Note: To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

Complaint Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)–(d)

Response to Sexual Harassment

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment

against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines

or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

Deliberate Indifference

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Education Program or Activity

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

Title IX Coordinator Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

Supportive Measures Required

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

Constitutional Restrictions

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title

IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

Response to a Formal Complaint

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

Emergency Removal

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

Administrative Leave

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures

against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;

5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably

prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;

9. Describe the range of supportive measures available to complainants and respondents; and

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

Notice of Allegations

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

   a. The identities of the parties involved in the incident, if known;

b. The conduct allegedly constituting sexual harassment; and

c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

Dismissal of a Formal Complaint

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding

the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior

sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

Determination Regarding Responsibility

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)–(ii)

Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Informal Resolution

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent

with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
    a. The allegations;
    b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials

available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)–(b)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

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Education Records

"Education Records" Defined

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that are created or received by a district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
2. Records made by district personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of a district that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
    a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
    b. Made, maintained, or used only in connection with treatment of the student; and
    c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

Screening Records

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school.

Records shall be open for inspection by the state or local health department. *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b)* [See FFAA]

Immunization Records

A district shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. A district shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

Medical Records

The parent or guardian of a student is entitled to access to the student's medical records maintained by a district. On request of a student's parent or guardian, a district shall provide a copy of the student's medical records to the parent or guardian. A district may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. *Education Code 38.0095*

Privacy Rule for Non-"Education Records"

To the extent a district is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the district must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501* [See CRD]

Food Allergy Information

Information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the district.

Exceptions

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the district.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the district, including a notation that the child's student records indicate that a parent has notified the district of the child's possible food allergy. [See FD]

Education Code 25.0022(d)–(f)

Assessment Instruments

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by a district are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program.

However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Academic Achievement Record (Grades 9–12)

Following guidelines developed by the commissioner of education, a district must use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. A district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving district. *19 TAC 74.5(b)–(c)* [See EI]

Enrollment Records

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Education Code 25.002(a)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1) [See FD]

Access, Disclosure, and Amendment

Access to Education Records

Definitions

Attendance

"Attendance" includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

Authorized Representative

"Authorized representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Biometric Record

"Biometric record" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

Disclosure

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education Program

"Education program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Parent

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Personally Identifiable Information

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's social security number, student number, or biometric record;

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Record

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

34 C.F.R. 99.3

Signed and Dated Written Consent

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and

2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

Access by Parents

A district shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. *34 C.F.R. 99.4*

A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *Family Code 153.012*

A parent is entitled to access to all written records of a district concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in

that system with all children. The term includes response to intervention and other early intervening strategies.

Education Code 26.004

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student. A district may disclose to a parent without the prior written consent of an eligible student if the disclosure is to the parent of the student who is a minor or who is a dependent for tax purposes or the disclosure is in connection with a health or safety emergency. *34 C.F.R. 99.5, .10, .31(a)(8), (a)(10), .36*

Access by Student

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents a district from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. *34 C.F.R. 99.12(a)*

Access by Others

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following.

1. School Officials

School officials, including teachers, who have legitimate educational interests.

A contractor, consultant, volunteer, or other party to whom a district has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which the district would otherwise use employees;
2. Is under the direct control of the district with respect to the use and maintenance of education records; and

3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

A district must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31, .36

An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined by district policy. *Education Code 38.009*

2. Officials of Other Schools

Officials of educational agencies or institutions, including officials of another school or institution of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that a district shall:

1. Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

    a. The disclosure is initiated by the parent or eligible student; or

    b. The annual notification under 34 C.F.R. 99.7 includes a notice that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer;

2. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

3. Give the parent or eligible student, upon request, an opportunity for a hearing under 34 C.F.R. Part 99, Subpart C.

34 C.F.R. 99.31(a)(2), .34

3. Authorized Government Representatives

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local

educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35*

A district may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. A district is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3(g), or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h)*

4. Financial Aid Personnel

Personnel involved with a student's application for, or receipt of, financial aid. *34 C.F.R. 99.31(a)(4)(i)*

5. Juvenile Justice Officials

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

34 C.F.R. 99.31(a)(5)(i), .38

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

6. Organizations Conducting Studies

Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The district must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;

3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and

4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the district in accordance with the requirements of 34 C.F.R. 99.33(b).

A district is not required to initiate a study or agree with or endorse the conclusions or results of the study.

34 C.F.R. 99.31(a)(6)

7. Accrediting Organizations

Accrediting organizations to carry out their accrediting functions. *34 C.F.R. 99.31(a)(7)*

8. Health or Safety Emergency

Appropriate parties, including the student's parents, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the U.S. Department of Education (DOE) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

34 C.F.R. 99.31(a)(10), .36

9. Agriculture Secretary	The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. 1232g(b)(1)(K)*
10. Child Welfare Agency	An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the agency to receive the disclosure. Any subsequent disclosure must be consistent with state laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*
11. Directory Information	Any person requesting directory information after a district has given public notice of that definition. [See Directory Information, below] *34 C.F.R. 99.37*
Written Consent	The parent or eligible student shall provide a signed and dated written consent before a district discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. When a disclosure is made under written consent, if a parent or eligible student requests, the district shall provide a copy of the records disclosed and if the parent of a student who is not an eligible student requests, the district shall provide the student with a copy of the records disclosed. *34 C.F.R. 99.30(c)*
Information Collection *U.S. DOE–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 U.S. DOE, 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)

Funded by Other Sources

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). *20 U.S.C. 1232h(c)(1)–(4)* [See EF]

Subpoenaed Records

A district shall release student records in compliance with a judicial order, or pursuant to any lawfully issued subpoena, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 note]) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)*

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

1. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

2. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

3. An ex parte court order obtained by the United States attorney general (or designee not lower than an assistant attorney general) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against a district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

34 C.F.R. 99.31(a)(9)

Sex Offenders

A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*

Request Procedure

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, but not more than 45 days after it has received the request. A district shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*

Records Destruction

A district shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*

De-Identified Records

A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. *34 C.F.R. 99.31(b)(1)*

Education Research

A district, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. A district or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

34 C.F.R. 99.31(b)(2)

Authenticating Requestors' Identities

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records. *34 C.F.R. 99.31(c)*

Transfer Not Permitted

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy or fails to destroy the information as required by 20 U.S.C. 1232g(b)(1)(F), a district shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

A district shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*

A district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district if:

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and

2. The district has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

Record of Access to Student Records

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. A district must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health or Safety Emergency, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and

2. The parties to whom the district disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.33(a)(2)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of a district, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order. *34 C.F.R. 99.32(d)*

Right to Amend

The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. *34 C.F.R. 99.20*

If a district decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the district decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the district. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. *34 C.F.R. 99.21*

Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for a copy of education records which is made for the parent or an eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review those records. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

Records of Students with Disabilities

A district shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a)*

Access Rights

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect district records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*
2. A district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*
3. A district shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the

purpose for which the person is authorized to use the records. *34 C.F.R. 300.614*

Record Types and Locations A district shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

Parental Consent Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

Confidentiality A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

Information Destruction A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

Annual Notification of Rights A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and

4. File with the U.S. DOE a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. Part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.

2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.

3. If the district has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

A district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

A district shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

Directory Information

"Directory Information" Defined

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or

2. Student identification (ID) number, unless:

   a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that

authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or

b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

34 C.F.R. 99.3

Disclosure of Directory Information

A district may release directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the district of:

1. The types of personally identifiable information that it has designated as directory information.
2. A parent's or eligible student's right to refuse to let the district designate any or all of those types of information about the student as directory information.
3. The period of time within which the parent has to notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory information.

Restrictions on the Right of Refusal

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled or to prevent a district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the district as directory information in the public notice provided under this section.

Former Students

A district may disclose directory information about former students without satisfying the public notice conditions above. However, the district must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

Confirmation of Identity or Records

A district may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information

is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37

Homeless Students

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information. *42 U.S.C. 11432(g)(3)(G)*

Directory Information Designation

A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or district publication, if any such purpose has been designated by a district, remains otherwise confidential and may not be released under Government Code Chapter 552.

Annual Notice

A district shall provide the following to the parent of each district student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and
2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

Contents

The notice must contain:

1. The following statement in boldface type that is 14-point or larger: "Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized

activities and sports, and the weight and height of members of athletic teams.]";

2. A form, such as a check-off list or similar mechanism, that:

   a. Immediately follows, on the same page or the next page, the required statement; and

   b. Allows a parent to record:

      (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;

      (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and

      (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and

3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

Student Recruiting Information

Notwithstanding the Directory Information provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by a military recruiter or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a student's parent has submitted the prior consent request below.

Consent to Release

A student who has attained 18 years of age or a parent of a secondary school student may submit a written request to a district that the student's name, address, and telephone listing not be released for purposes described above without prior written consent.

Upon receiving such request, a district may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent or student. A district shall notify parents of the option to make a request.

No Opt-In Process

Nothing in this provision shall be construed to allow a district to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process above.

20 U.S.C. 7908

Videotapes and Recordings

A district employee must obtain the written consent of a child's parent before the employee 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 is not required to obtain the consent of a child's parent before the employee 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]

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

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*

Instructional Partnerships with Community College Districts

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit (see High School Credit-Only Courses, below).
2. Award of Dual Course Credit (see Dual Credit Courses, below).
3. Tech-Prep Programs.
4. Remedial or Developmental Instruction (see Remedial Programs, below).
5. College Preparatory Programs for High School Students. College prep courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

19 TAC 9.143, .146

Agreement

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcripting of credit.
8. Funding provisions.

19 TAC 9.144

High School Credit-Only Courses

A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125*

Dual Credit Courses

A district may enter into an agreement with a public college to form a dual credit partnership. Dual credit means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school. *19 TAC Ch. 4, Subch. D* [See EHDD]

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; 19 TAC 9.146*

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)*

Plan to Increase Higher Education Enrollment

An affected district, as described below, shall enter into an agreement with the public institution of higher education in this state in closest geographic proximity to the district to develop a plan to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The plan must address the elements at Education Code 29.904(d). *Education Code 29.904(c), (d)*

Affected District

An affected district is one with one or more high schools that:

1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and
2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution.

Education Code 29.904(a)

Timeline

Unless a district is already operating under a plan to increase enrollment, not later than May 1 of each year TEA shall notify a district if it is an affected district. The district must enter into an agreement to develop a plan to increase enrollment by August 1 of the year in which it receives notice from TEA. *Education Code 29.904(b), (c)*

A district shall file the plan with the commissioner of education and the commissioner of higher education. A district must implement the plan at the beginning of the school year following the year during which the district receives notice from TEA that it is an affected district. A district may revise the plan as necessary in response to achieving or failing to achieve goals under the plan. *Education Code 29.904(e)–(g)*

Note: The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

Child Protective Investigations

A Texas Department of Family and Protective Services (DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator, investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged victim. A school official may not condition granting the request on a requirement that school personnel, such as a counselor, attend the interview. *Family Code 261.302(a), (b); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of an investigation under Family Code Chapter 261 shall release that information to DFPS on request. The release of information to DFPS by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

Special Investigations

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

Family Code 261.406(a); 40 TAC 707.597–.625

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, and school custodians.

"School setting" means the physical location of a child's school or of an event sponsored or approved by the child's school, or any other location where the child is in the care, custody, or control of

school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local school district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

40 TAC 707.605(6)–(7)

Notice to School Personnel

Prior to conducting an investigation of school personnel or volunteers, SI shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time SI plans to visit the school campus to begin the investigation.

SI must also orally notify the superintendent about the investigation.

SI must request that the school personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until SI has had an opportunity to interview the alleged perpetrator.

Family Code 261.105(d); 40 TAC 707.615

No Interference with Investigation

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews on School Premises

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by SI, pursuant to all applicable standards. SI will notify appropriate school personnel prior to conducting an interview or visual inspection on school premises.

Presence of School Personnel

SI may request that school personnel or volunteers not be present during the interview or visual inspection of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

Family Code 261.303(a); 40 TAC 707.619(a)

Report of Findings

After the completion of an investigation, SI must provide a report of the investigation, redacted to remove the identity of the reporter, to the Texas Education Agency (Director of Education Investigations) for an investigation concerning an employee of the district. On request, SI shall provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the school board;
3. The superintendent; and
4. The school principal, unless the principal is the alleged perpetrator.

SI is not required to provide notice to a school official if it administratively closes a report of abuse or neglect prior to notifying school officials that DFPS received a report of abuse or neglect in the school setting.

Family Code 261.406(b); 40 TAC 707.623

Students Taken into Custody

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

Family Code 52.01(a), 58.0021

In addition, a child may be taken into custody without a court order:

1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or

2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

Family Code Ch. 262

Students in Custody

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7*

Notices to Law Enforcement Agencies

A principal or designee shall notify local law enforcement if the principal has reasonable grounds to believe that any of the following activities occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Government Code 508.149; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07.
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code 481.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)–(7), (9)–(14), or (16). [See FNCG]
4. The possession of a weapon as defined by 18 U.S.C. Section 921, in accordance with the Gun-Free Schools Act. [See FOD]
5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.
6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

Notice is not required if the principal reasonably believes that the activity does not constitute a criminal offense.

The principal or designee shall provide the notice to the district police department (if one exists) and the police department of the municipality in which the school is located. If the school is not in a municipality, the principal or designee shall provide the notice to the sheriff of the county in which the school is located. The report shall include the name and address of each student the person believes may have participated in the activity.

Notice to Employees

The principal or designee shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

Education Code 37.015, .007(e)

Report of Conduct Constituting Assault or Harassment

A principal or designee may make a report to any school district police department or the police department of the municipality in which the school is located or, if the school is not in a municipality,

the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes assault under Penal Code 22.01 or harassment with electronic communications under Penal Code 42.07(a)(7).

A person who makes a report may include the name and address of each student the person believes may have participated in the conduct.

Designee The principal may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report.

Immunity A person who voluntarily makes a report is immune from civil or criminal liability. A person who takes any action under this provision is immune from civil or criminal liability or disciplinary action resulting from that action.

This provision does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action.

District employees and volunteers are immune from suit resulting from an act under this provision, including an act under related policies and procedures.

An act by a district employee or volunteer under this provision, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the employee or volunteer and is not considered to be a ministerial act for purposes of liability of the district or the district's employees.

Education Code 37.0151

Notices from Law Enforcement Agencies

As described below, representatives of the juvenile justice system shall provide notice to a district when:

1. A student is arrested or referred to the juvenile board [see Arrest, below];
2. A student is convicted, or receives deferred prosecution or deferred adjudication [see Conviction or Adjudication, below];
3. A student was removed to a disciplinary alternative education program (DAEP) and the criminal case against the student is refused or the student is found not guilty [see Not Guilty/Charges Dropped, below]; or

4. A student on parole, probation, or community supervision transfers into or reenrolls in a district [see Transfer Students, below].

Code of Criminal Procedure 15.27(a), (b), (c), (g)

Local law enforcement shall provide notice to the superintendent if a registered sex offender intends to reside in the district, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)* [See Registered Sex Offenders, below]

A law enforcement agency that receives a report that a child under 11 years of age is missing shall immediately notify each school that the child attended or in which the child was enrolled that the child is missing. *Code of Criminal Procedure 63.020* [See Missing Children, below]

Reportable Offenses

Code of Criminal Procedure 15.27 applies to the following offenses:

1. Any felony offense; and
2. The following misdemeanors:
    a. An offense under Penal Code 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 71.02 (Engaging in Organized Criminal Activity);
    b. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code Chapter 481; and
    c. The unlawful possession of any of the weapons or devices listed in Penal Code 46.01(1)–(7), (9)–(14), or (16), or a weapon listed as a prohibited weapon under Penal Code 46.05.

Code of Criminal Procedure 15.27(h)

Contents of Notice

Oral or written notice under Code of Criminal Procedure 15.27 must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct; or
3. Weapons possessed during the commission of the offense or conduct.

Threat Assessment and Safety Plan

In addition to the information above, the law enforcement agency shall provide information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. A school board may enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, the information requested by the superintendent or the superintendent's designee shall be considered relevant.

Code of Criminal Procedure 15.27(k), (k-1)

Law enforcement records concerning a child may be inspected or copied by the superintendent of a public school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. *Family Code 58.008(d), (d-1)*

Electronic Notice

A person may substitute electronic notice for oral notice where oral notice is required by Code of Criminal Procedure 15.27. If electronic notice is used, any written notice required by article 15.27 is not required. *Code of Criminal Procedure 15.27(i)*

Arrest

Oral Notice

If a law enforcement agency arrests a person or refers a child to the juvenile board for an offense specified at Reportable Offenses, and the agency believes the person is enrolled as a student in a public school, the head of the agency or designee shall orally notify the superintendent or designee in the district in which the student is enrolled, or believed to be enrolled, of the arrest or referral. The notice shall be provided within 24 hours after the arrest or referral is made or before the next school day, whichever is earlier.

Written Notice

Within seven days after oral notice is given, the head of the law enforcement agency or designee shall mail written notice to the superintendent or designee. The written notice shall include the facts in the oral notice, the name of the person who was orally notified, and the date and time of the oral notice.

Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable a superintendent or designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. The information in the notice shall be considered by a superintendent or designee in making such a determination.

Code of Criminal Procedure 15.27(a)

Failure to Provide Notice to District

If the superintendent of a district in which a student is enrolled learns of a failure of the head of a law enforcement agency or designee to provide a notice under Code of Criminal Procedure 15.27(a), the superintendent or principal shall report the failure to the Commission on Law Enforcement Officer Standards and Education. *Code of Criminal Procedure 15.27(m)*

Notice to Employees

A superintendent or designee shall immediately notify all instructional and support personnel who have responsibility for supervision of a student who has been arrested or taken into custody. All personnel shall keep the information received confidential.

A superintendent or designee shall send to an employee having direct supervisory responsibility over the student the information in the confidential notice provided by the law enforcement agency.

Failure to Provide Notice to Employees

If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(a) or (a-1), the board shall report the failure to the State Board for Educator Certification (SBEC).

Code of Criminal Procedure 15.27(a), (a-1), (l)

Conviction or Adjudication

Oral Notice

On conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct of a student for an offense or for any conduct specified at Reportable Offenses, the office of the prosecuting attorney shall orally notify a superintendent or designee of the conviction or adjudication and whether the student is required to register as a sex offender. Oral notice must be given within 24 hours of the time of the order or before the next school day, whichever is earlier.

Written Notice

Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender.

Notice to Employees

A superintendent or designee shall, within 24 hours of receiving notice from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

Failure to Provide Notice to Employees

If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(b), the board shall report the failure to the SBEC.

Code of Criminal Procedure 15.27(b), (l)

Not Guilty/Charges Dropped

The office of the prosecuting attorney or the office or official designated by the juvenile board shall notify the district that removed a student to a (DAEP) if:

1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. The court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

Notice shall be provided to the district within two working days.

Review of Placement

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP [see FOC].

Code of Criminal Procedure 15.27(g); Education Code 37.006(h)

Transfer Students

If a juvenile justice agency has jurisdiction over a student who is arrested, referred, convicted, or adjudicated for a reportable offense and the student transfers from a school or is subsequently removed from a school and later returned to a school or district other than the one the student was enrolled in when the arrest, referral, conviction, or adjudication occurred, the juvenile justice agency shall notify the superintendent or designee of the district to which the student transfers or is returned.

The juvenile justice agency shall provide notice of an arrest or referral in a manner similar to that provided above, at Arrest. The juvenile justice agency shall provide notice of a conviction or delinquent adjudication in a manner similar to that provided above at Conviction or Adjudication. In either case, notice shall be provided within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier.

Notice to Employees

The superintendent of the district to which the student transfers or is returned shall, within 24 hours of receiving notice or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

Code of Criminal Procedure 15.27(c)

Registered Sex Offenders

The local law enforcement authority shall immediately provide notice to the superintendent of the district in which a person subject to registration as a sex offender intends to reside, by mail to the office of the superintendent, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)*

A local law enforcement authority shall provide notice to a superintendent regarding a registered sex offender only if:

1. The victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;
2. The person subject to registration is a student enrolled in a public or private secondary school; or
3. The basis on which the person is subject to registration is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Penal Code 43.25 (Sexual Performance by a Child) or 43.26 (Possession or Promotion of Child Pornography), or a substantially similar offense.

A local law enforcement authority may not provide notice to a superintendent if the basis for the notice is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Section 25.02, Penal Code (Prohibited Sexual Conduct, relating to incest), or a substantially similar offense.

Code of Criminal Procedure 62.054

Notice to Employees

On receipt of the notice from law enforcement regarding a registered sex offender, a superintendent shall release the information in the notice to appropriate district personnel, including peace officers and security personnel, principals, nurses, and counselors. *Code of Criminal Procedure 62.053(e), .055(f)*

Missing Children

Duty to Flag Records

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made. *Code of Criminal Procedure 63.020(c), .021*

Request in Person

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;

2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;

3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and

4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

Request in Writing

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

Code of Criminal Procedure 63.021(d)

Removal of Flag

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearinghouse. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearinghouse that the flag has been removed.

Code of Criminal Procedure 63.022

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Region 13 Board of Directors, Election of Place 7

RECOMMENDED ACTION
For discussion only.

RATIONALE
Review ballots for the ESC Region 13 election.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Paul Norton, Superintendent

ATTACHMENTS
Region 13 Memo

MEETING DATE
March 24, 2021

REGION 13
EDUCATION SERVICE CENTER

MEMORANDUM

TO: **Region 13 Superintendents**

FROM: **Rich Elsasser, Executive Director**

DATE: **February 26, 2021**

SUBJECT: **Election of Place 7, Region 13 Board of Directors**

There is one contested position on the board of directors at Region 13 Education Service Center. The election process is directed by Texas Administrative Code, §53.1001. Board of Directors. In summary, it reads as follows:

"Members of the board of directors are elected by the local school boards in each region. . .

Any eligible person wishing to seek election to the ESC board shall file at the headquarters office of the center in person or by certified mail between February 1 and February 20.

A ballot shall be developed and submitted to local school boards in the region by March 1. Each local school board member shall have one vote for each vacancy on the board.

Completed ballots shall be returned . . . by April 5th."

The following three positions that are up for election this year:

Place 1
Laura Joseph – Incumbent, running unopposed. No election is necessary for Place 1.

Place 4
Marc Williamson – Incumbent, running unopposed. No election is necessary for Place 4.

Place 7
Erwin A. Sladek (Incumbent)
J. Frank Smith

Resumes of the two candidates are enclosed.

Please conduct the election at your March Board meeting and return the ballots in the enclosed envelope to Region 13 on or before April 5th.

Enclosures

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Agreement with Travis County and Other Municipalities Regarding May 1, 2021 Joint Election

RECOMMENDED ACTION
Approve the Joint Election Agreement with Travis County for the May 1, 2021 Board Election.

RATIONALE
State law requires a school district that holds an election in May to conduct a joint election with a municipality within its district. Travis County will provide both election services and a joint election for most jurisdictions in Travis County that are holding a May election, including the City of Lakeway and the City of Bee Cave. Through the joint election agreement with Travis County, Lake Travis Independent School District will be in compliance with this requirement.

BUDGET PROVISIONS
$52,000-Operating Budget

RESOURCE PERSONNEL
Pam Sanchez – Assistant Superintendent of Business and Operations/CFO
Amber King – General Counsel
Kristine Doggett – Elections Official

ATTACHMENTS
1. Joint Election Agreement for May 1, 2021 Elections
2. Election Day Voting Centers
3. Early Voting Permanent Locations

MEETING DATE
March 24, 2021

JOINT ELECTION AGREEMENT
FOR MAY 1, 2021 ELECTIONS

Recitals

1. Travis County (the "County") will be conducting general and special elections for the participating entities (each, a "Participating Entity," and together, the "Participating Entities") listed in Exhibit A, which is attached to and incorporated into this agreement, on May 1, 2021. The Participating Entities require elections to be held on May 1, 2021 in those portions of Travis County as shown on the maps and metes and bounds descriptions in Exhibit B, also attached to and incorporated into this agreement.

2. Under Texas Election Code Section 271.002, political subdivisions of the State of Texas are authorized to hold elections jointly in voting precincts that can be served by common polling places if elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory

3. Texas Government Code Chapter 791 authorizes local governments to contract with one another and with state agencies for various governmental functions, including those in which the contracting parties are mutually interested.

4. It would benefit the County, the Participating Entities, and their respective citizens and voters to hold the elections jointly in the election precincts that common polling places can serve.

Pursuant to Texas Election Code Sections 271.002 and 271.003 and Texas Government Code Chapter 791, this Joint Election Agreement is entered into by and between Travis County, a political subdivision of the State of Texas acting by and through the Travis County Commissioners Court, and the Participating Entities, each acting by and through their respective governing bodies.

I. Scope of Joint Election Agreement

This agreement covers the May 1, 2021 Joint General and Special Elections for the parties to this agreement to be held on May 1, 2021. The County and the Participating Entities will hold these elections on May 1, 2021 ("Election Day") jointly for the voters in those portions of Travis County identified on the maps and descriptions in Exhibit B.

II. Election Officer

The Participating Entities hereby appoint the Travis County Clerk, the election officer for Travis County, as the election officer to perform or supervise the County's duties and responsibilities involved in conducting the joint election covered by this agreement.

III. Early Voting

Each of the Participating Entities agrees to conduct its early voting jointly. Each of the Participating Entities appoints the Travis County Clerk, the early voting clerk for Travis County,

as the early voting clerk for the joint election. Early voting for the Participating Entities will be conducted at the dates, times, and locations to be mutually agreed upon by the election officer and authorized and ordered by the governing body of each Participating Entity.

A. County Responsibilities [continue]

1. The County will provide to the governing body of each Participating Entity a list of places, times, and dates of early voting suitable for consideration and adoption by the governing body, under Texas Election Code chapter 85.

2. The Travis County Clerk, as the early voting clerk, will be responsible for conducting early voting by mail and by personal appearance for all Travis County voters voting in the joint election. The Travis County Clerk will receive from each Participating Entity's regular early voting clerk applications for early voting ballots to be voted by mail, under Texas Election Code Title 7. The Travis County Clerk will send early voting ballots by mail and receive early voting ballots for early voting by mail. And the Travis County Clerk may appoint such deputy early voting clerks as necessary to assist the Travis County Clerk with voting to take place at the early voting locations.

3. The County will determine the number of election workers to hire to conduct early voting in the joint election. The Travis County Clerk will arrange or contract for training for all election workers and will assign all election workers employed for early voting in the joint election. The training of these election workers is mandatory; these individuals will be compensated for their time in training. The County will provide a training facility for election schools to train election workers employed in conducting early voting, including early voting by personal appearance at main and temporary branch early voting polling places, early voting by mail, and other aspects of the early voting program for the joint election. The County will name early voting deputies and clerks employed to conduct early voting.

4. The County will provide and deliver all supplies and equipment necessary to conduct early voting for the joint election, including ballots, election forms, any necessary ramps, utility hook-ups, signs, registration lists and ballot boxes, to early voting polling places. The County will designate and confirm all early voting polling place locations.

5. The County will be responsible for preparing and transporting the electronic voting equipment necessary to conduct early voting. The County will perform all tests of voting equipment as required, including posting notice of equipment testing.

6. Under Election Code sections 66.058 and 271.010, the Participating Entities appoint the Travis County Clerk as the joint custodian of records for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the preservation period that the Election Code requires.

7. The County will receive ballot language in both English and Spanish from each Participating Entity and format the ballots as needed to include these languages. The County will provide each Participating Entity with a final proof of ballot language for approval before printing

the ballots. Upon final proof approval, ballots will be printed in an expedited timeframe so as to allow ballot allocations for the Early Voting by Personal Appearance Program, and the ballot mail outs for the Early Voting by Mail Program.

8. A single joint voter sign-in process consisting of a common list of registered voters, and common signature rosters will be used for early voting. A single, combined ballot and single ballot box will be used. The County will use an electronic voting system, as defined and described in Texas Election Code Title 8, and agrees to use ballots that are compatible with such equipment.

9. The County will be responsible for conducting the Early Voting Ballot Board. The County will designate a person to serve as the presiding judge for the Early Voting Ballot Board and will provide that information to the governing body of each Participating Entity for entry of an order by that authority appointing this official. The presiding judge for the Early Voting Ballot Board is eligible to serve in this capacity. The presiding judge for the Early Voting Ballot Board will appoint two or more election clerks, and the judge and clerks will compose the Early Voting Ballot Board and will count and return early voting ballots, and perform other duties the Election Code requires of it.

B. Participating Entities' Responsibilities

1. Each Participating Entity will appoint a qualified person to serve as the regular early voting clerk for the Participating Entity. The regular early voting clerk for each respective Participating Entity will receive requests for applications for early voting ballots to be voted by mail and will forward in a timely manner, as prescribed by law, any and all applications for early voting ballots to be voted by mail, received in the Entity's office, to the Travis County Clerk.

2. Each Participating Entity will appoint a qualified person to act as custodian of records for the Participating Entity to perform the duties imposed by the Election Code on the custodian of records for its respective entity.

3. Each Participating Entity will provide ballot language for the respective portion of the official ballot to the County in both English and Spanish. The Participating Entity must make any additions, modifications, deletions, or other changes to such ballot contents or language before the Participating Entity's final proof approval. The County will provide the Participating Entity with a final proof of ballot language, as it is to appear on the ballot, for final proof approval. Upon final proof approval, the ballot will be programmed for the voting equipment in an expedited timeframe so as to allow ballot allocations for the Early Voting by Personal Appearance Program, and the printed ballot mail outs for the Early Voting by Mail Program.

IV. Election Day

A. County Responsibilities

1. The County will designate and confirm all Election Day polling place locations for the joint election, and will forward such information to the Participating Entities in a timely fashion to allow the governing body of the respective Participating Entities to enter orders designating such polling places.

2. The County will designate the presiding election judge and the alternate presiding election judge to administer the election in the precinct in which a common polling place is to be used and will forward such information to the Participating Entities to allow the governing bodies of the respective Participating Entities to enter appropriate orders designating such officials before the election. The presiding election judge and alternate presiding election judge must be qualified voters of the Travis County election precinct in which the joint election is held. The presiding election judge for the precinct in which a common polling place is used may appoint election clerks as necessary to assist the judge in conducting the election at the precinct polling place. The alternate presiding election judge may be appointed as a clerk. The alternate presiding election judge may serve as the presiding election judge for the precinct in the presiding election judge's absence. Election judges and clerks will be compensated at the rate established by the County. The Texas Election Code and other applicable laws will determine compensable hours.

3. One set of election officials will preside over the election in the precinct using a common polling place. There will be a single joint voter sign-in process consisting of a common list of registered voters and common signature rosters in the precinct using a common polling place. A single, combined ballot and single ballot box will be used. The officer designated by law to be the custodian of the voted ballots for the County will be custodian of all materials used in common in the precinct using a common polling place. The County will use an electronic voting system, as defined and described by Texas Election Code Title 8, and agrees to use ballots that are compatible with such equipment.

4. The County will arrange for training and will provide the instructors, manuals and other training materials deemed necessary for training all judges and clerks. Training for election judges and alternate judges is mandatory, and these individuals will be compensated for their time in training.

5. The County will arrange for election-day voter registration precinct lists for the joint election. The County will determine the amount of election supplies needed for Election Day voting.

6. The County, by and through the County Clerk's Elections Division, and Administrative Operations, will be responsible for preparing and transporting voting equipment and election-day supplies for use on Election Day.

7. The County, by and through the County Voter Registrar, will provide the list of registered voters as needed in the overlapping jurisdictions identified in the attached exhibits, with designation of registered voters in each Participating Entity, for use at the joint election day polling place on Election Day.

8. The common polling place is designated as the polling place that the County uses. At the common polling place, a single ballot box will be used for depositing all ballots cast in the joint election. At this polling place, one voter registration list and one combination poll list and signature roster form will be kept for the joint election. The final returns for each Participating Entity and the County will be canvassed separately by each respective Participating Entity. The

Travis County Clerk will maintain a return center on Election Day for the purpose of receiving returns from the County. The Travis County Clerk will provide unofficial election results to the qualified individual appointed by each Participating Entity.

9. On Election Day, the Travis County Clerk or the clerk's Elections Division will field all questions from election judges.

10. The County will make available translators capable of speaking English and Spanish to assist Spanish-speaking voters in understanding and participating in the election process in the territory covered by this agreement.

B. Participating Entities' Responsibilities

1. Before Election Day, each Participating Entity will answer questions from the public with respect to the Participating Entity's election during regular office hours of 8:00 a.m. – 5:00 p.m.

2. The custodian of records for each Participating Entity will receive returns from the Travis County Clerk on Election Day.

V. Election Night

A. County Responsibilities

1. The County will be responsible for all activities on election night, including setting up a central counting station, coordinating and supervising the results tabulation, coordinating and supervising the physical layout of the support stations that are the joint election's receiving substations, and coordinating and managing election media coverage.

2. The County is responsible for transporting voted ballot boxes to the central counting station.

3. The County will appoint the presiding judge and alternate presiding judge of the central counting station to maintain order at the central counting station, to administer oaths as necessary, to receive sealed ballot boxes, and to perform such other duties that the Texas Election Code requires, and will forward such information to each Participating Entity in a timely fashion to allow the governing body of each Participating Entity to enter appropriate orders designating such election officials before the election. The presiding judge of the central counting station may appoint clerks to serve at the central counting station. In addition, the County will appoint a tabulation supervisor to be in charge of operating the automatic tabulating equipment at the central counting station; an individual to serve as central counting station manager; and an assistant counting station manager to be in charge of administering the central counting station and generally supervising the personnel working at the central counting station. The County will forward such information to each Participating Entity in a timely fashion to allow the governing body of each Participating Entity to enter appropriate orders designating such election officials before the election.

4. The County will provide the Participating Entities with reasonable space in a public area adjacent to the central counting station at which each Participating Entity may have representatives or other interested persons present during the counting process.

B. Participating Entities' Responsibilities

1. Other than receiving returns from the Travis County Clerk, the Participating Entities have no role or responsibility on the night of the election.

VI. County Resources

A. The County will provide the Elections Division permanent staff and offices to administer the joint election, under the Travis County Clerk's direction.

B. For early voting, the County will provide a locked and secure area in which voted ballot boxes will be stored until the Early Voting Ballot Board convenes. The County, by and through Administrative Operations, will be responsible for transporting the ballot boxes to the central counting station for the Early Voting Ballot Board.

C. The County will be responsible for providing and maintaining voting equipment and testing any voting equipment as required by the Texas Election Code.

D. The County will process the payroll for all temporary staff hired to conduct the joint election. The payroll processing includes statutory reporting and providing W-2 forms where applicable.

E. The County will conduct early voting as indicated in this agreement.

VII. Joint Election Costs; Payment

A. Concurrently with its submittal of an executed copy of this agreement, each Participating Entity must also submit payment via check or ACH, in the amount equal to the deposit identified for that Participating Entity in the Cost Estimate attached as Exhibit C, which is also incorporated into this agreement. **The County is under no obligation to conduct a Participating Entity's elections until the County receives that Participating Entity's payment of Cost Estimate.** All checks must be made payable to Travis County. This deposit represents approximately 75% of the costs of the Participating Entity's share of the estimated election costs. The County will submit an invoice to each Participating Entity for the balance of the Participating Entity's actual joint election expenses upon the election's completion. Joint-election expenses include expenses for facilities, personnel, supplies, and training that the County actually incurs for establishing and operating all early voting and election-day activities at the polling place in the joint election territory as well as activities related to tabulating votes, all as reflected on the Cost Estimate. Each Participating Entity will pay the total amount of its invoice within thirty (30) days of receiving it.

B. In the event of a recount, the expense of the recount will be borne by the Participating Entity involved in the recount on a pro-rata basis.

C. In the event a Participating Entity cancels its respective election because of unopposed candidates under Texas Election Code Title 1, the Participating Entity will be responsible for its respective share of election expenses incurred through the date that the election is canceled as allocated to the cancelling entity based on the formula in the Cost Estimate, adjusted for the actual expenses incurred by the County through the date of the cancellation. When the Participating Entity cancels its election, the County will recalculate the allocation percentages among the remaining Participating Entities according to the formula used in the Cost Estimate.

D. In the event there are any expenses associated with processing a ballot arising from a write-in candidate, the Participating Entity that received the declaration will bear the expenses.

E. A Participating Entity that establishes an early voting polling place, other than one that was mutually agreed upon by all Participating Entities, will bear the expense of doing so. The Cost Estimate for each individual Participating Entity will include additional polling locations for each Participating Entity, as set forth in Exhibit C.

VIII. General Provisions

A. Legal Notices

Each of the Participating Entities will be individually responsible for preparing the election orders, resolutions, notices, and other pertinent documents for adoption or execution by its own respective governing board and for all related expenses. The Travis County Clerk will provide each Participating Entity information on changes affecting the Participating Entity's election, such as polling place changes and changes in voting equipment, when such changes are confirmed, verified, or otherwise become known to the clerk's office. Each of the Participating Entities will be individually responsible for posting or publishing election notices and for all related expenses. Each of the Participating Entities further will be individually responsible for election expenses incurred in relation to any polling place that is not a common polling place as designated in this agreement.

B. Communication

Throughout this agreement's term, the Travis County Clerk or the clerk's employee will meet as necessary with the designated representative of each Participating Entity to discuss and resolve any problems that might arise regarding the joint election.

C. Custodian

The Travis County Clerk will serve as the custodian of the keys to the ballot boxes for voted ballots in the joint election.

D. Effective Date

This agreement takes effect upon its complete execution by all Participating Entities and the County. The obligation of each Participating Entity to the County under this agreement will not end until that Participating Entity pays the County its share of the joint election costs.

IX. Miscellaneous Provisions

A. Amendment/Modification of Exhibits A, B, and C

1. The Participating Entities acknowledge and agree that Exhibits A, B, and C may be amended to add or remove entities wishing to participate or cease participating in the agreement. The Participating Entities agree to future amendments of Exhibits A, B, and C and authorize the County to enter into such amendments without the Participating Entities' having to sign the future amendments. The County agrees to notify all Participating Entities of any amendments to Exhibits A, B, and C.

2. Except as otherwise provided, this Agreement may not be amended in any respect whatsoever except by a further agreement in writing, duly executed by the parties to this agreement. No official, representative, agent, or employee of the County has any authority to modify this Agreement except by express authorization from the Travis County Commissioners Court. No official, representative, agent, or employee of any Participating Entity has any authority to modify this agreement except by express authorization from the governing body of the respective Participating Entity. The Travis County Clerk may propose necessary amendments to this agreement in writing in order to conduct the joint election smoothly and efficiently, except that any such proposed amendment must be approved by the Travis County Commissioners Court and the governing body of each respective Participating Entity before the amendment will be effective.

B. Notice

Any notice to be given in this agreement, by any party to the other, must be in writing and delivered personally or by certified mail, return receipt requested, to the proper party at the addresses listed in Exhibit A.

Each party may change the address for notice to it by giving notice of the change under this section's terms.

C. Force Majeure

In the event that the County cannot perform any of its obligations in this agreement or is interrupted or delayed by any occurrence not occasioned by its own conduct, whether it be an act of God, the result of war, riot, civil commotion, sovereign conduct, or like reason, then the County will be excused from performing for such period of time as is reasonably necessary after such occurrence to remedy its effects.

D. Venue and Choice of Law

The Participating Entities agree that venue for any dispute arising under this agreement will lie in the appropriate courts of Austin, Travis County, Texas. This agreement is governed by and is to be construed under the laws of Texas and the United States of America.

E. Entire Agreement

This agreement contains the parties' entire agreement relating to the rights granted and the obligations assumed in it, and it supersedes all prior agreements, including prior election services contracts relating to each Participating Entity's May 1, 2021 election. Any prior agreements, promises, negotiations, or representations not expressly contained in this agreement are of no force or effect. Any oral representations or modifications concerning this agreement have no force or effect, except a subsequent amendment in writing as this agreement provides.

F. Severability

If any provision of this agreement is found to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability will not affect the agreement's remaining provisions; and its parties will perform their obligations under the agreement's surviving terms and provisions.

G. Breach

In the event that any Participating Entity or the County breaches any of its obligations under this agreement, the non-breaching party will be entitled to pursue any and all rights and remedies allowed by law.

H. Payments from Current Revenues

Payments made by the Participating Entities in meeting their obligations under this agreement will be made from current revenue funds available to the governing body of the respective Participating Entity. Payments made by the County in meeting its obligations under this agreement will be made from current revenue funds available to the County.

I. Other Instruments

The Participating Entities agree that they will execute other and further instruments or any documents as may become necessary or convenient to effectuate and carry out this agreement's purposes.

J. Third-Party Beneficiaries

Except as otherwise provided in this agreement, nothing in this agreement, expressed or implied, is intended to confer upon any person, other than the parties to it, any of its benefits, rights or remedies.

K. Other Joint Election Agreements

The County and the Participating Entities expressly understand and acknowledge that each may enter into other joint election agreements with other political subdivisions, to be held on Election Day and at common polling places covered by this agreement, and that the addition of other political subdivisions as parties to this agreement will require amending Exhibits A, B, and C.

L. Mediation

When mediation is acceptable to both parties in resolving a dispute arising under this agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Texas Civil Practice and Remedies Code section 154.023. Unless both parties are satisfied with the mediation's result, the mediation will not constitute a final and binding resolution to the dispute. All communications within the scope of the mediation will remain confidential as described in section 154.073, unless both parties agree, in writing, to waive the confidentiality. Despite this, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term "confidential" as used in this agreement has the same meanings as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act. Notwithstanding any provision to the contrary, nothing in this Agreement requires the County or a Participating Entity to waive any applicable exceptions to disclosure under the Texas Public Information Act.

M. Counterparts

This Agreement may be executed in multiple counterparts, all of which will be deemed originals and with the same effect as if all parties to it had signed the same document. Signatures transmitted electronically by e-mail in a "PDF" format or by DocuSign or similar e-signature service shall have the same force and effect as original signatures All of such counterparts will be construed together and will constitute one and the same agreement.

TRAVIS COUNTY

BY: _____
Andy Brown
County Judge

Date: _____

BY: Dana DeBeauvoir
Dana DeBeauvoir
County Clerk

SIGNATURE PAGE

Name of Participating Entity	Lake Travis Independent School District
Address	3322 R.R. 620 South Austin, TX 78738
Name of Authorized Signatory	_____
Signature	_____
Date signed	_____
E-mail address	_____

EXHIBIT A ANEXO A

Travis County Election Day Vote Centers

Saturday, May 1, 2021

Centros de Votación del Condado de Travis para el Día de la Elección, Sábado, 1 de mayo, 2021

Polls are open 7 am - 7 pm Las urnas están abiertas 7 am - 7 pm

subject to change

Dana DeBeauvoir
County Clerk
Secretaria del Condado

VOTE CENTER ELECTION ELECCIÓN CON CENTROS DE VOTACIÓN On Election Day, eligible Travis County VOTERS MAY VOTE AT ANY of the locations listed on this page. Voters are NOT limited to only voting in the precinct where they are registered to vote. En el Día de la Elección, votantes elegibles del Condado de Travis PODRÁN VOTAR EN CUALQUIER sitio indicado en esta página. Votantes tienen más opciones en dónde votar, sin limitarse al precinto en donde están registrados para votar.

Pct.	Vote Center	Address	City	Zip	Bus	Combined Precincts
	Centro de Votación	Dirección	Ciudad	Código Postal		Precintos Combinados
101	Dailey Middle School	14000 Westall St	Austin	78725		114; 116
103	Double Queens Event Center **NEW**	11801 Dessau Rd #300	Austin	78754		104; 153
108	Our Savior Lutheran Church	1513 E Yager Ln	Austin	78753		102
111	Connally High School	13212 N Lamar	Austin	78753		109; 112
117	Turner-Roberts Rec Center	7201 Colony Loop Dr	Austin	78724		120; 125; 127; 154
121	Austin Achieve - Northeast Campus	7424 E Hwy 290	Austin	78752		128; 131; 134
123	Hendrickson High School	19201 Colorado Sand Dr	Pflugerville	78660		105; 106 ; 110 ;163
124	Carver Branch Library	1161 Angelina St	Austin	78702	🚌	
124	Millennium Youth Complex	1156 Hargrave St	Austin	78702	🚌	
126	Givens Recreation Center	3811 East 12th St.	Austin	78721	🚌	
129	Greater Mt Zion Baptist Church	4301 Tannehill Ln	Austin	78721	🚌	
130	Memorial United Methodist	6100 Berkman Dr	Austin	78723	🚌	118
132	East Nineteenth St Missionary Baptist	3401 Rogge Ln	Austin	78723		133
135	Sawyer Hall	1320 East 51st St.	Austin	78723	🚌	
136	Pflugerville ISD Rock Gym	702 W. Pecan St	Pflugerville	78660		146; 150
137	Avalon Pool and Amenity Center	19729 Jakes Hill Rd	Pflugerville	78660		107 ;161
139	Asian American Resource Center	8401 Cameron Rd	Austin	78754	🚌	140; 141; 164
148	County Tax Office, Pflugerville	15822 Foothill Farms Loop	Pflugerville	78660		113; 145; 160
151	Dottie Jordan Recreation Center	2803 Loyola Ln	Austin	78723	🚌	122
152	United Way of Greater Austin	2000 E Martin Luther King Jr Blvd	Austin	78702	🚌	
156	City of Austin Planning and Dev Center	6310 Wilhelmina Delco Dr	Austin	78752		142; 149
207	YMCA Northwest Branch	5807 McNeil Dr	Austin	78729		
208	UT Flawn Academic Center	2304 Whitis Ave. No 338	Austin	78712	🚌	206; 277
210	O. Henry Middle School	2610 W 10th St	Austin	78703	🚌	251; 256
217	Juan P. Navarro Early College HS	1201 Payton Gin Rd	Austin	78758		223

Pct.	Vote Center	Address	City	Zip	Bus	Combined Precincts
	Centro de Votación	Dirección	Ciudad	Código Postal		Precintos Combinados
218	Disability Rights Texas	2222 W Braker Ln	Austin	78758	🚌	260; 268; 205
219	Caldwell Elementary	1718 Picadilly Dr	Pflugerville	78664		225; 203;
221	Bridge Point Elementary	6401 Cedar St	Austin	78746		212
224	Little Walnut Creek Branch Library	835 W Rundberg Ln	Austin	78758	🚌	209;
228	Shops at Arbor Walk *(former Maurice's)*	10515 N Mopac Expy	Austin	78759		
229	Wells Branch Community Center	2106 Klattenhoff Dr	Austin	78728		215; 216
231	Cat Mountain HOA	6007 Mount Bonnell Rd	Austin	78731		220
232	Canyon Ridge Middle School	12601 Country Trails Ln	Austin	78732		234; 244
233	Shepherd of the Hills Christian Church	6909 W Courtyard Dr	Austin	78730		245
236	Yarborough Branch Library	2200 Hancock Dr	Austin	78756	🚌	235; 273
237	Church at Highland Park, The	5206 Balcones Dr	Austin	78731	🚌	213; 240; 266
238	Northwest Hills UMC - Youth Center	7027 Hart Ln	Austin	78731	🚌	247
239	Northwest Recreation Center	2913 Northland Dr	Austin	78757	🚌	
242	Brentwood Bible Church	6301 Woodrow Ave	Austin	78757	🚌	241,248
243	Ben Hur Shrine Center	7811 Rockwood Ln	Austin	78757	🚌	252
249	St Matthew's Episcopal	8134 Mesa Dr	Austin	78759	🚌	246; 253; 262
250	St Luke United Methodist	1306 W Lynn St	Austin	78703	🚌	
254	Davis Elementary	5214 Duval Rd	Austin	78727	🚌	267
258	St John's Episcopal	11201 Parkfield Dr	Austin	78758	🚌	211; 222; 226; 227
259	Milwood Branch Library	12500 Amherst Drive	Austin	78727	🚌	263
275	Baker Center, Alamo Drafthouse	3908 Avenue B	Austin	78751	🚌	200; 202; 274; 214
301	Sunset Valley City Hall	3205 Jones Rd	Austin	78745		
302	Bailey Middle School	4020 Lost Oasis Hollow	Austin	78739		360
303	Oak Hill Primitive Baptist	11408 FM 1826	Austin	78737		
308	Lake Travis Middle School	4932 Bee Creek Rd	Spicewood	78669		

Pct.	Vote Center	Address	City	Zip	Bus	Combined Precincts
	Centro de Votación	Dirección	Ciudad	Código Postal		Precintos Combinados
311	Austin Recreation Center	1301 Shoal Creek Blvd	Austin	78701	🚌	325
313	Lamar Senior Activity Center	2874 Shoal Crest Ave	Austin	78705		
314	Oak Hill Fire Dept No 302	4111 Barton Creek Blvd	Austin	78735		357
315	Villages of Shady Hollow Amenity Center	12006 Gatling Gun Ln	Austin	78748		309; 310
316	Travis County Parks Office	14624 Hamilton Pool Rd	Austin	78738		346
319	Lakeway Activity Center	105 Cross Creek	Lakeway	78734		306; 320
324	Bee Cave City Hall	4000 Galleria Pkwy	Austin	78738		368
328	Spicewood Springs Branch Library	8637 Spicewood Springs Rd	Austin	78759		305; 321; 323; 331; 345
329	Austin City Hall	301 W 2nd St	Austin	78701	🚌	
330	Laura Bush Community Library	9411 Bee Caves Rd	Austin	78733		318; 338
332	Zilker Elementary	1900 Bluebonnet Ln	Austin	78704		340; 341; 342; 356
333	Peace Lutheran	10625 N FM 620	Austin	78726		343
334	Unity Church of the Hills	9905 Anderson Mill Rd	Austin	78750		335; 336
337	Lakewood HOA	7317 Lakewood Dr	Austin	78750		326; 327
339	Western Hills Church of Christ	6211 Parkwood Dr	Austin	78735	🚌	354
347	Hill Country Middle School	1300 Walsh Tarlton Ln	Austin	78746	🚌	307; 317
351	Austin Oaks Church	4220 Monterey Oaks Blvd	Austin	78749	🚌	
352	Impact Family Church	2909 W William Cannon Dr	Austin	78745	🚌	344; 350; 358
359	Lake Travis ISD Ed Dev Center	607 Ranch Road 620 N	Austin	78734		312
361	Oak Hill Fire Dept No 301	9211 Circle Dr	Austin	78736	🚌	
362	Will Hampton Branch Library	5125 Convict Hill Rd	Austin	78749	🚌	363
364	Westlake United Methodist	1460 Redbud Trail	Austin	78746		
365	Community Center at Oak Hill	8656 W Hwy 71	Austin	78735		349
366	Oak Hill United Methodist	7815 US-290	Austin	78736		

Pct.	Vote Center	Address	City	Zip	Bus	Combined Precincts
	Centro de Votación	Dirección	Ciudad	Código Postal		Precintos Combinados
367	Circle C Community Center	7817 La Crosse Avenue	Austin	78739		304
369	Christ Episcopal	3520 W Whitestone Blvd	Cedar Park	78613		370
372	Community Center at Jonestown	18649 FM 1431 STE 6A	Jonestown	78645	🚌	
373	Lago Vista City Hall **NEW**	5803 Thunderbird St	Lago Vista	78645	🚌	371
374	Deer Creek Elementary	2420 Zeppelin Dr	Cedar Park	78613		375
403	Creedmoor Community Center	12511 FM1625	Creedmoor	78610		405
406	St Alban's Episcopal	11819 IH 35 S	Austin	78747	🚌	404
407	Community Center at Del Valle	3518 S FM 973	Del Valle	78617	🚌	401; 402
411	Southpark Meadows, suite 500	9600 S IH 35 Frontage Rd	Austin	78748	🚌	416; 417
414	Texas Oaks Baptist	9910 Bilbrook Place	Austin	78748	🚌	408; 435
420	Good Shepherd on the Hill	1700 Woodland Ave.	Austin	78741	🚌	440
421	*Church on Congress Avenue*	1511 S Congress Ave	Austin	78704	🚌	428; 437
422	Faith Presbyterian Church	1314 E Oltorf St	Austin	78704	🚌	433
424	South Austin Recreation Center	1100 Cumberland Rd	Austin	78704	🚌	409
426	Parque Zaragoza Recreation Center	2608 Gonzales St	Austin	78702	🚌	427; 436; 444
429	Dan Ruiz Branch Library	1600 Grove Blvd	Austin	78741	🚌	423; 431
439	Rodolpho "Rudy" Mendez Rec Ctr **NEW**	2407 Canterbury	Austin	78702		432; 434; 438
441	St John's Lutheran	409 W Ben White Blvd	Austin	78704	🚌	442; 446
443	Mendez Middle School	5106 Village Square	Austin	78744	🚌	450; 452;
448	Langford Elementary	2206 Blue Meadow Dr	Austin	78744	🚌	413
451	Bedichek Middle School	6800 Bill Hughes Rd	Austin	78745	🚌	410; 419; 447
454	Manchaca Road Branch Public Library	5500 Manchaca Rd	Austin	78745	🚌	412; 425; 460
461	Austin New Church at 04 Center	2701 S Lamar Blvd	Austin	78704	🚌	430;
463	Dittmar Recreation Center	1009 W Dittmar Rd	Austin	78745		415; 458

🚌 ***bus icon indicates Vote Center within 5 minutes of a Capital Metro bus stop***
los sitos con un icono de autobús están a cinco minutos o menos de distancia caminando de una parada de autobús de Capital Metro

rev: March 10,, 2021

www.votetravis.com *(512) 238-VOTE (8683)* *elections@traviscountytx.gov*

subject to the approval of Travis County Commissioners Court

DANA DEBEAUVOIR,
COUNTY CLERK

Travis County Early Voting Locations
Saturday, May 1, 2021 Local Elections

Sitios de Votación Adelantada del Condado de Travis, para las Elecciones Locales del 1 de mayo de 2020

Early Voting begins Monday, April 19 and ends on Tuesday, April 27

La Votación Adelantada empieza el lunes, 19 de abril y termina el martes, 27 de abril

Monday—Saturday (7am - 7pm), Sunday (Noon - 6pm)
lunes—sábado (7am - 7pm), domingo (mediodía - 6pm)

subject to change
sujeto a cambios

CENTRAL				
Austin City Hall	301 W 2nd St	Austin	78701	🚌
Austin Recreation Center (at House Park)	1301 Shoal Creek Blvd	Austin	78701	🚌
NEW! **City of Austin Planning and Development Center**	6310 Wilhelmina Delco Dr	Austin	78752	
NORTH				
Ben Hur Shrine Center	7811 Rockwood Ln	Austin	78757	🚌
NEW! **Double Queens Event Center**	11801 Dessau Rd #300	Austin	78754	🚌
Pflugerville ISD Rock Gym	702 W Pecan St	Pflugerville	78660	
Shops at Arbor Walk (former Maurice's)	10515 N Mopac Expy	Austin	78759	🚌
Unity Church of the Hills	9905 Anderson Mill Rd	Austin	78750	
SOUTH				
Austin Oaks Church	4220 Monterey Oaks Blvd	Austin	78749	
Dittmar Recreation Center	1009 W Dittmar Rd	Austin	78745	
South Austin Recreation Center	1100 Cumberland Rd	Austin	78704	🚌
Southpark Meadows, suite 500 (by Hobby Lobby)	9600 S IH 35 Frontage Rd	Austin	78748	🚌
EAST				
Parque Zaragoza Recreation Center	2608 Gonzales St	Austin	78702	🚌
Millennium Youth Complex	1156 Hargrave St	Austin	78702	🚌
Dan Ruiz Branch Library	1600 Grove Blvd	Austin	78741	🚌
WEST				
Christ Episcopal Church	3520 W Whitestone Blvd	Cedar Park	78613	
Lakeway Activity Center	105 Cross Creek	Lakeway	78734	
Bee Cave City Hall	4000 Galleria Pkwy	Bee Cave	78738	

subject to the approval of Travis County Commissioners Court

🚌 ***sites with a bus icon are 5 min or less walking distance from a Capital Metro bus stop***
los sitios con un icono de autobús están a cinco minutos o menos de distancia caminando de una parada de autobús de Capital Metro

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revised: March 4, 2021

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Election Services Agreement between Travis County and Lake Travis Independent School District

RECOMMENDED ACTION
Approve the Election Services Agreement with Travis County.

RATIONALE
For the upcoming May 1, 2021 Trustee Election, the Administration proposes to contract with Travis County to conduct the election. The purpose of this Agreement is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters of the District.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Pam Sanchez – Assistant Superintendent of Business and Operations/CFO
Amber King – General Counsel
Kristine Doggett – Elections Official

ATTACHMENTS
Election Services Agreement

MEETING DATE
March 24, 2021

ELECTION AGREEMENT BETWEEN TRAVIS COUNTY AND LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT

Pursuant to Chapter 31, Subchapter D, Chapter 123, and Chapter 271 of the Texas Election Code and Chapter 791 of the Texas Government Code, Travis County (the "County") and Lake Travis Independent School District ("Participating Entity") enter into this agreement (this "Agreement") for the Travis County Clerk, as the County's election officer (the "Election Officer"), to conduct the Participating Entity's elections, including runoffs, and for the Participating Entity's use of the County's current or future-acquired election equipment for any voting system that the County adopts, as authorized under Title 8 of the Texas Election Code, for all Participating Entity elections. The purpose of this Agreement is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters of the Participating Entity.

Section 1. GENERAL PROVISIONS

(A) Except as otherwise provided in this Agreement, the term "election" refers to any Participating Entity election, occurring on any uniform election date prescribed by the Texas Election Code or a primary election date, along with any resulting runoff, if necessary, within all Participating Entity's territory located in Travis County. If a runoff is necessary, the Participating Entity shall work with the Election Officer to determine a mutually acceptable run-off date. In the event that the Participating Entity (and any other entity for which the County is providing election services or for which the County is conducting a joint election) do not agree on a run-off date, the Participating Entity agrees to whichever run-off date is selected by the Election Officer.

(B) If the Participating Entity determines it is necessary to conduct an election during a time other than that specified in Section 1(A), the Election Officer and a representative designated by the Participating Entity will meet as soon as possible thereafter to determine the feasibility of the Election Officer conducting such an election. If both parties agree that the Election Officer will administer the election, the new election will be based on all other applicable provisions of this Agreement except provisions that are inconsistent and cannot be feasibly applied.

(C) Except as otherwise provided in this Agreement:

(1) The term "Election Officer" refers to the Travis County Clerk;
(2) The term "precinct" means all precincts in the territory of the Participating Entity located within Travis County.

(3) The term “election services” refers to services used to perform or supervise any or all of the duties and functions that the Election Officer determines necessary for the conduct of an election.

(4) The term “cost for election services” includes the costs for personnel, supplies, materials, or services needed for providing these services as permitted by the Texas Election Code but does not refer to costs relating to the use of the voting equipment.

(D) Except as otherwise provided in this Agreement, the cost for “use of voting equipment” for a particular election is the amount the County will charge the Participating Entity for use of the County’s voting equipment in use at the time of that election.

(E) The Participating Entity agrees to commit the funds necessary to pay for all election-related expenses for Participating Entity elections in accordance with this Agreement.

(F) The Election Officer has the right to enter into agreements with other entities at any time, including during the dates listed in Section 1(A).

(G) As a condition for providing election services and equipment usage, the Election Officer may require authorities of political subdivisions holding elections on the same day in all or part of the same territory to enter into a joint election agreement as authorized in Chapter 271 of the Texas Election Code, and the Participating Entity agrees to enter into any joint election agreement required by the County.

SECTION 2. PARTICIPATING ENTITY’S USE OF VOTING EQUIPMENT; DUTIES OF THE ELECTION OFFICER AND OF THE PARTICIPATING ENTITY

The County shall make available to the Participating Entity the County’s current voting system and any future-acquired voting system as authorized under Title 8 of the Texas Election Code, subject to restrictions and conditions imposed by the Election Officer to ensure availability of the equipment for County-ordered elections, primary elections, special elections, and subsequent runoff elections, if applicable. The Election Officer may also impose restrictions and conditions to protect the equipment from misuse or damage.

SECTION 3. APPOINTMENT OF ELECTION OFFICER

(A) The Travis County Election Officer (“Election Officer”) is appointed to serve as the Participating Entity’s Election Officer and Early Voting Clerk to conduct the Participating Entity’s elections described in Section 1.

(B) As the Participating Entity’s Election Officer and Early Voting Clerk, the Election Officer shall coordinate, supervise, and conduct all aspects of administering voting

in Participating Entity elections in compliance with all applicable laws, subject to Section 3(C) below.

(C) The Participating Entity shall continue to perform those election duties listed in (1) through (7) below and any other election duties, such as receipt of candidate applications, that are not allowed to be delegated to another governmental entity:

(1) preparing, adopting, and publishing all required election orders, resolutions, notices, and other documents, including bilingual materials, evidencing action by the governing authority of the Participating Entity necessary to the conduct of an election, except that:

a. The Election Officer may provide newspaper notices on behalf of the Participating Entity with respect to a specific election if:

i. Not later than 60 days before election day for that election, the Participating Entity submits a written request to the Election Officer to provide newspaper notices on behalf of the Participating Entity, provides the Election Officer the content of the notices and information as which newspapers those notices are to be published and the dates of publication and any other information required by the Election Officer for providing newspaper notices, and

ii. The Participating Entity pays the Election Officer all costs associated with providing the newspaper notices.

b. With respect to each debt obligation election the Election Officer conducts for the Participating Entity pursuant to this Agreement:

i. The Election Officer, after receiving from the Participating Entity a copy of the debt obligation election order, shall post the notice required by and in accordance with Texas Election Code Section 4.003(f)(1) on election day and during early voting by personal appearance, in a prominent location at each polling place;

ii. The Election Officer shall provide written confirmation that to the Participating Entity that the debt obligation election order was posted in accordance with Texas Election Code Section 4.003(f)(1); and

iii. The Participating Entity shall pay any applicable expenses incurred by the Election Officer that directly relates to the posting required by Texas Election Code Section 4.003(f)(1).

(2) Preparing the text for the Participating Entity's official ballot in English and Spanish and any other languages as required by law;

(3) Providing the Election Officer with a list of candidates or propositions showing the order and the exact manner in which the candidates' names

and the propositions are to appear on the official ballot;

(4) Conducting the official canvass of a Participating Entity election;

(5) administering the Participating Entity's duties under state and local campaign finance laws;

(6) having a Participating Entity representative serve as the custodian of its election records; and

(7) Filing the Participating Entity's annual voting system report to the Secretary of State as required under Texas Election Code Chapter 123.

(D) The Participating Entity shall also be responsible for proofing and attesting to the accuracy of all ballot language, including any required language translations, and format information programmed by the County. This includes any information programmed for use with the audio or tactile button features of the equipment. The Participating Entity will also monitor and review all logic and accuracy testing and mandatory tabulations. The Participating Entity will complete its duties within timeframes as prescribed by the County. If the Participating Entity finds any discrepancies or concerns, it will immediately report them to the Election Officer and work with her to resolve any issues so that final approval can be reached. The Participating Entity shall be responsible for any and all actual costs associated with correcting the ballot and ballot programming if the error is discovered after the Participating Entity has signed off on its final proof containing the error.

(E) Kristine Doggett, Accountant, will assist the County whenever possible when the conduct of the election requires assistance from Participating Entity departments and staff. Kristine Doggett, Accountant, will serve as the Regular Early Voting Clerk for the Participating Entity to receive requests for applications for early voting ballots and forward these applications to the Joint Early Voting Clerk. Kristine Doggett, Accountant, will serve as the Custodian of Records for the Participating Entity to complete those tasks in the Texas Election Code that the Election Officer will not perform.

SECTION 4. ELECTION WORKERS AND POLLING PLACES

(A) For presentation to the governing body of the Participating Entity, the County shall provide a list containing the locations, times, and dates of early voting polling places suitable for consideration and adoption by the governing body in accordance with Texas Election Code Chapter 85. The Election Officer will designate and confirm all Election Day polling place locations.

(B) The Election Officer will assume the responsibility for recruiting election personnel;

however, if by the 5th day before the Election, the Election Officer reports vacancies in positions for election judges, alternate judges, election day clerks, early voting ballot board, receiving substation clerks, or any other key election personnel, the Participating Entity shall provide emergency personnel in these positions.

(C) The Election Officer shall notify each of the election judges and alternates of their appointment and the eligibility requirements that pertain to them and to the selection of Election Day clerks. Included in this notification will be the number of clerks that each precinct should have in addition to the election judge and alternate judge. The election judges and/or the alternates are responsible for recruiting and supervising their clerks.

(D) All election workers must agree to attend training sessions as determined by the Election Officer. Costs for these training sessions and compensation for attendees will be included as part of the election services costs.

(E) During any election and any subsequent runoff election that involve entities in addition to the Participating Entity, the Election Officer will work with all parties to find a plan that can be agreed upon regarding the designation of polling places. If agreement cannot be reached, the Election Officer will resolve the differences. **In all cases, the Election Officer has sole discretion to determine whether polling place changes are necessary**.

SECTION 5. PAYMENTS FOR ELECTION SERVICES

(A) Costs and payments for the use of voting equipment are addressed separately in Section 6 of this Agreement.

(B) Requests for Election Services. For each election the Participating Entity desires the Election Officer to conduct, the Participating Entity must submit a written request to the Election Officer that describes the general nature of the election and specifies the date of the election. Each request for election services, including each request for the Election Officer to conduct a runoff election, must be accompanied by a non-refundable payment of $150 to the Election Officer.

(C) Cancellations. On or before 11:59 p.m. on the 68th day before an election for which the Participating Entity has requested election services, the Participating Entity shall notify the Election Officer as to whether the Participating Entity anticipates the cancellation of its election, and on or before 11:59 p.m. on the 60th day before the election the Participating Entity shall notify the Election Officer as to whether the Participating Entity will cancel that election. If the Election Officer receives written notice from the Participating Entity on or before 11:59 p.m. of the 60th day

before an election that the Participating Entity's election will be cancelled, the Participating Entity will accrue no further costs relating to that cancelled election.

(D) Notice, Cost Estimate, Initial Invoicing, and Initial Payment.

(1) Notwithstanding the provisions in Section 9(B), the County and the Participating Entity agree that notice under Section 5 can be provided via e-mail. The following e-mail address will be used for e-mail communications to or from the County pursuant to Section 5: elections@traviscountytx.gov, with a copy to Election.Entities@traviscountytx.gov. The Participating Entity has designated Kristine Doggett, Accountant, as the Participating Entity's representative for sending and receiving e-mail communications under Section 5, and the Participating Entity designates the following e-mail address as the Participating Entity's email address for sending and receiving e-mail communications pursuant to Section 5: doggettk@ltisdschools.org.

(2) Initial Cost Estimate. On or before the 60th day before an election for which the Participating Entity has requested election services, the Election Officer will mail and/or email to the Participating Entity a cost estimate for conducting the election. The cost estimate will include an administrative fee that is equal to 10% of the total estimated cost of conducting the Participating Entity's election, excluding the costs of voting equipment. In the event of a joint election, the cost estimate will reflect that election costs will be divided on a pro rata basis among all entities involved in the election in the manner set forth in this Section 5. The proportional cost for the Election Officer to conduct each participating entity's election will be calculated by dividing the number of registered voters in the territorial jurisdiction of each participating entity by the total number of registered voters for all of the participating entities involved in the joint election and multiplying that quotient by the total cost of the election. The product of these numbers is the pro rata cost share for each participating entity. The Participating Entity acknowledges and understands that if any other participating entity listed in the cost estimate cancels its election, each remaining participating entity's pro rata cost (including the Participating Entity's pro rata cost share) will result in a proportionate cost increase.

(3) Initial Invoice and Initial Payment. Along with the initial cost estimate, the Election Officer will also include an initial invoice for the Participating Entity to pay 75% of the initial cost estimate. The Participating Entity must pay the County the amount specified in each invoice no later than 30 days after the Participating Entity's receipt of the invoice.

(4) Runoff Elections. For each runoff election the Participating Entity has requested that the Election Officer conduct, the Participating Entity must

make a payment equal to 75% of the projected costs for the runoff election no later than three business days after receiving that cost estimate from the Election Officer. The projected share of election costs will include an administrative fee that is equal to 10% of the total estimated cost of conducting the Participating Entity's runoff election, excluding the costs of voting equipment.

(5) Each party may change its respective email addresses for e-mail communications under this Section 5, without the need to amend this Agreement, by sending notice to the other party in accordance with Section 9(B).

(F) Final Accounting and Final Invoice. The County will send the Participating Entity a final invoice of election expenses not later than 90 days after an election unless the Election Officer notifies the Participating Entity during that 90-day period following the election that the Election Officer requires additional time to send a final invoice to the Participating Entity. The final invoice will include a listing of additional costs incurred at the Participating Entity's behalf and specify the total payment due from the Participating Entity for any unpaid portion of the Participating Entity's costs.

(1) Within 30 days after receipt of an election cost invoice setting forth the Election Officer's actual contract expenses and charges incurred in the conduct of the election, the Participating Entity shall pay the Election Officer the balance due on each final invoice no later than 30 days after the Participating Entity's receipt of that invoice.

(2) A refund may be due from the County to the Participating Entity if the final costs are lower than the amount already paid by the Participating Entity or if, at the end of the calendar year, the County Auditor's Office makes adjustments to the election workers' payroll and the amount already paid by the Participating Entity for election worker payroll costs exceeds the payroll amounts calculated by the County Auditor's Office.

(G) The Participating Entity shall promptly review an election invoice and any supporting documentation when received from the County. The Participating Entity may audit, during the County's normal business hours, relevant County election or accounting records upon reasonable notice to the County. The Participating Entity shall pay the entire final invoice or the undisputed portion of the final invoice not later than the 30th day after receiving the invoice. Failure by the Participating Entity to timely pay an invoice in full may impact the Election Officer's participation in future elections with the Participating Entity.

SECTION 6. PAYMENTS FOR USE OF VOTING EQUIPMENT

(A) The Election Officer shall conduct elections using a voting system certified by the Secretary of State in accordance with the Texas Election Code and that has been approved for use by the Travis County Commissioners Court unless otherwise agreed upon by the Participating Entity, the Travis County Clerk, and the Travis County Commissioners Court.

(B) The Participating Entity shall make payments to Travis County as consideration for the use of the County's voting equipment.

(1) For each election the Election Officer conducts for the Participating Entity after January 1, 2021 through January 1, 2022, the Participating Entity shall pay one percent of the cost of the electronic voting system equipment installed at a polling place and one percent for each unit of other electronic equipment used by the Travis County Clerk's Office to conduct the election or provide election services.

(2) In this Agreement "other electronic equipment" includes ballot marking devices, ballot scanners, ballot printers, ballot tabulators, and ballot programming software.

(C) Payment by the Participating Entity to the County for voting equipment is due no later than 30 days after the Participating Entity's receipt of an invoice from the County.

(D) If the County acquires additional equipment, different voting equipment, or upgrades to existing equipment during the term of this Agreement, the charge for the use of the equipment may be renegotiated.

SECTION 7. ADDITIONAL EARLY VOTING LOCATIONS

(A) All of the Participating Entity's voters within Travis County will have access to all of the Travis County Early Voting sites in each election at no additional cost.

(B) If the Participating Entity desires to have one or more early voting sites that are in addition to those sites the Election Officer has already selected for a specific election, the Participating Entity must submit the request to the Election Officer no later than 60 days before the election, and the Election Officer will thereafter provide a written estimate to the Participating Entity that sets forth the estimated cost for providing the additional early voting location(s) and the deadline by which the cost estimate must be paid. If, after receiving the cost estimate, the Participating Entity desires to move forward with having the additional early voting location(s), the Participating Entity will notify the Election Officer and include payment of the cost estimate with the Participating Entity's notice to the Election

Officer no later than the deadline specified in the Election Officer's cost estimate. *Pursuant to Texas Election Code Section 85.064(b) and notwithstanding any provision to the contrary, the Election Officer has sole discretion to determine whether to provide any additional early voting sites requested by the Participating Entity*.

SECTION 8. COMMUNICATIONS

(A) The Participating Entity and the Election Officer shall each designate a member of their staff to serve as the primary contact for the respective offices under this Agreement and provide the name and contact information for that individual to the other party. Each party may change their designated staff members by sending notice to the other party without the further need to amend this Agreement.

(B) Throughout the term of this Agreement, the Participating Entity and the County will engage in ongoing communications on issues related to Participating Entity elections, the use of County's voting equipment, and the delivery of services under this Agreement and, when necessary, the County Clerk, Elections Division staff members, and other election workers shall meet with the Participating Entity to discuss and resolve any problems which might arise under this Agreement.

(C) The Election Officer shall be the main point of media contact for election information related to election administration. The Participating Entity shall designate a contact to be the main point of contact for matters related to the content of the Participating Entity's ballot or candidates.

SECTION 9. MISCELLANEOUS PROVISIONS

(A) Amendment/Modification

Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing and duly executed by the parties hereto. No official, representative, agent, or employee of the County has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the Commissioners Court of Travis County, Texas. No official, representative, agent, or employee of the Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the Participating Entity. Dana DeBeauvoir, Travis County Clerk, may propose necessary amendments or modifications to this Agreement in writing in order to conduct a joint election smoothly and efficiently, except that any such proposals

must be approved by the Commissioners Court of the County and the governing body of the Participating Entity.

(B) Notice

Unless otherwise provided herein, any notice to be given hereunder by any party to the other shall be in writing and may be affected by personal delivery, by certified mail, or by common carrier. Notice to a party shall be addressed as follows:

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT
Kristine Doggett, Accountant
3322 R.R. 620 South
Austin, TX 78738

TRAVIS COUNTY
Honorable Dana DeBeauvoir, Travis County Clerk
1000 Guadalupe Street, Room 222
Austin, Texas 78701

Cc: Honorable Delia Garza, Travis County Attorney (or her successor)
314 West 11th Street, 5th Floor
Austin, Texas 78701

Notice by hand-delivery is deemed effective immediately, notice by certified mail is deemed effective three days after deposit with a U.S. Postal Office or in a U.S. Mail Box, and notice by a common carrier, is deemed effective upon receipt. Each party may change the address for notice to it by giving notice of such change in accordance with the provisions of this Section. When notices by e-mail are permitted by this Agreement, (1) the notice is deemed effective upon the day it is sent if the e-mail is received before 5:00 p.m. on a business day; (2) the notice is deemed effective on the first business day after the e-mail was received if the email was received after 5:00 p.m. on a business day or anytime on a Saturday or Sunday. In this Agreement, “business day” means any weekday that is not a holiday designated by the Travis County Commissioners Court.

(C) Force Majeure

In the event that the performance by the County of any of its obligations or undertakings hereunder shall be interrupted or delayed by any occurrence not occasioned by its own conduct, whether such occurrence be an act of God or the result of war, riot, civil commotion, sovereign conduct, or the act or condition of any persons not a party hereto or in privity thereof, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

(D) Venue and Choice of Law

The Participating Entity agrees that venue for any dispute arising under this Agreement will lie in the appropriate courts of Austin, Travis County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.

(E) Entire Agreement

This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and also supersedes all prior agreements, including prior election services contracts and prior agreements to conduct joint elections. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force or effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.

(F) Severability

If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement. Parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.

(G) Breach

In the event that Participating Entity or County breaches any of its obligations under this Agreement, the non-breaching party shall be entitled to pursue any and all rights and remedies allowed by law.

(H) Payments from Current Revenues

Payments made by the Participating Entity in meeting its obligations under this Agreement shall be made from current revenue funds available to the governing body of the Participating Entity. Payments made by the County in meeting its obligations under this Agreement shall be made from current budget or revenue available to the County.

(I) Other Instruments

The County and the Participating Entity agree that they will execute other and further instruments or any documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.

(J) Third Party Beneficiaries

Except as otherwise provided herein, nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than the parties hereto, any benefits, rights or remedies under or by reason of this Agreement.

(K) Joint Election Agreements

The County and the Participating Entity expressly understand and acknowledge that each may enter into other joint election agreements with other jurisdictions, to be held on Election Day and at common polling places covered by this Agreement.

When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.053 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term “confidential” as used in this Agreement has the same meaning as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act.

(L) Addresses for Payments

Payments made to the County or the Participating Entity under this Agreement shall be addressed to following respective addresses:

Travis County Clerk – Elections Division
P.O. Box 149325
Austin, Texas 78714

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT
Tamara Odenthal, Accounts Payable Coordinator
3322 R.R. 620 South
Austin, TX 78738

(M) This Agreement is effective upon execution by both parties and remains in effect

until either party terminates this agreement for any reason upon providing 60 days written notice to the other party.

(N) All times referenced in this Agreement are to Central Time, and in all instances, the time-stamp clock used by the Travis County Clerk's Office at 5501 Airport Boulevard in Austin, Texas is the official clock for determining the correct time.

(O) The individuals below have been authorized to sign this Agreement.

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement in multiple copies, each of equal dignity, and this Agreement takes effect on the date it is fully executed by the Participation Entity, the Travis County Judge (on behalf of the Travis County Commissioners Court), and the Travis County Clerk.

[Signatures on following page]

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT

BY: _____
Kim Flasch
President, Board of Trustees

DATE: _____

TRAVIS COUNTY

BY: _____
Andy Brown (or his successor)
County Judge

DATE: _____

BY: _____
Dana DeBeauvoir
County Clerk

DATE: _____

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Election Voting System Resolution No. 032421-01

RECOMMENDED ACTION
Adopt Resolution No. 032421-01 for the Election Voting System provided by Travis County.

RATIONALE
For the upcoming May 1, 2021 Trustee Election, because Travis County has obtained new voting equipment since the last time the District held an election, the Board must approve a resolution adopting the new voting equipment.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Pam Sanchez – Assistant Superintendent of Business and Operations/CFO
Amber King – General Counsel
Kristine Doggett – Elections Official

ATTACHMENTS
Voting System Resolution No. 032421-01

MEETING DATE
March 24, 2021

LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT

Central Administration
3322 R.R. 620 South
Austin, TX 78738

Resolution No. 032421-01

THE LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT FINDS AS FOLLOWS:

Section 61.012 of the Texas Election Code requires that Lake Travis Independent School District must provide at least one accessible voting system in each polling place used in a Texas election on or after August 1, 2019. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote® Universal Voting System Version 6020 provided by Election Systems & Software (ES&S) is an accessible voting system that may legally be used in Texas elections. Early voting and election day voting, including provisional ballots will take place on the ExpressVote® Universal Voting System, ballot marking device, in conjunction with the DS200 Digital® Precinct Scanner. The DS450 Digital® Central Count Scanner will be used to process all by mail ballots.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems.

THE LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT HEREBY RESOLVES:

As chief elections officer of the Lake Travis Independent School District, Kristine Doggett shall provide at least one ExpressVote® Universal Voting System and DS200 Digital® Precinct Scanner in every early voting and election day polling place used to conduct any and every election ordered on or after August 1, 2019. The ES&S ExpressVote® Universal Voting System and DS200 Digital® Precinct Scanner may be acquired by any legal means available to Lake Travis Independent School District, including but not limited to lease or rental from the County of Travis or from any other legal source, as authorized or required by Sections 123.032 and 123.035, Texas Election Code.

PASSED BY VOTE AND APPROVED this ____ day of _____, 20__

REQUIRED:

/s/_____
Board President

ADDITIONAL SIGNATURES REQUIRED:

ATTEST:

/s/_____
Board Secretary

APPROVED AS TO FORM:/s/_____

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Resolution No. 032421-02 of the Board Regarding Wage Payments During Emergency School Closures

RECOMMENDED ACTION
Adopt Resolution No. 032421-02 authorizing wage payments for all employees during the emergency school closures in January and February 2021.

RATIONALE
The District was closed on the dates of January 11, 2021 and February 15 through February 22, 2021, due to emergencies caused by inclement weather. During these emergency closures, most District employees were instructed not to report to work in order to ensure their safety during the hazardous conditions. As a result, employees risk loss of pay during these days, unless the Board determines a need exists to pay employees for the days the District was closed. The Board is authorized in accordance with the Texas Education Code to expend funds of the District for purposes necessary in the conduct of the public school and that serve a public purpose. The administration believes that paying all employees their regular wage for those days and paying additional premium pay to those exempt employees who were called to work during the emergency closing serves the public purposes of maintaining morale, providing equity between employees, and recognizing the services of essential staff.

BUDGET PROVISIONS
General Operating Budget

RESOURCE PERSONNEL
Paul Norton, Superintendent
Pam Sanchez, Assistant Superintendent for Business, Financial & Auxiliary Services
Amber King, General Counsel

ATTACHMENTS
Resolution No. 032421-02

MEETING DATE
March 24, 2021

Resolution No. 032421-02

THE LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT

WHEREAS, the Lake Travis Independent School District was closed January 11, 2021 and February 15, 2021 through February 22, 2021 due to an emergency caused by inclement weather;

WHEREAS, on February 12, 2021 the Texas Governor issued a state-wide disaster declaration in response to the severe winter weather due to an imminent threat of widespread and severe property damage, injury and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide.

WHEREAS, the Lake Travis ISD Board of Trustees (the "Board") is authorized by Texas Education Code section 45.105 to expend funds of Lake Travis Independent School District for purposes necessary in the conduct of thepublic schools as determined by the Board;

WHEREAS, the Board acknowledges that during an emergency closing, most District employees are instructed not to report for work, and other employees may be called upon to provide emergency-related services;

WHEREAS, the Board finds that a need exists to address wage payments for employees who are idled and those required to work during emergency closings;

WHEREAS, the Board determines that employees who are instructed not to report to work may suffer a loss of pay if the District is closed;

WHEREAS, the Board concludes that continuing wage payments to all regular employees— contractual and noncontractual, salaried and non-salaried—who suffer a loss in pay due to an emergency closing serves the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing when schools reopen; and

WHEREAS, as to nonexempt employees who are called on to work during an emergency closing, the Board further concludes that payment of these employees at a premium rate, as provided at DEA(LOCAL), serves the public purposes of maintaining morale, providing equity between idled employees and employees who provide emergency-related services, and recognizing the services of essential staff;

NOW, THEREFORE, BE IT RESOLVED

1. All of the above paragraphs are incorporated into and made a part of this resolution.
2. The Board authorizes wage payments to all employees, at their regular hourly or daily rate of pay, according to the duty schedule they otherwise would have worked on January 11, 2021, February 15, 16, 17, 18, 19, and 22, 2021 when the District was closed due to an emergency caused by inclement weather.
3. The Board further authorizes premium payments, in addition to those in Paragraph 2 above, to nonexempt employees who were required to work during the emergency closures equal to their regular hourly or daily rate of pay for actual hours worked on January 11, 2021, February 15, 16, 17, 18, 19, and 22, 2021.

PASSED AND APPROVED BY A MAJORITY OF THE BOARD OF TRUSTEES ON THIS 24TH DAY OF MARCH 2021.

APPROVED:	**ATTEST:**
_____	_____
Kim Flasch	Lauren White
President, Board of Trustees	Secretary, Board of Trustees

AGENDA ITEM ACTION SHEET

AGENDA ITEM
Minutes of February 17, 2021 Board Meeting

RECOMMENDED ACTION
For approval with consent agenda.

RATIONALE
Minutes for each Board meeting shall be approved and on file in the Superintendent's office.

BUDGET PROVISIONS
None

RESOURCE PERSONNEL
Ami Tobin, Administrative Assistant to Superintendent

ATTACHMENTS
Minutes from February 21, 2021 Board Meeting

MEETING DATE
March 24, 2021

Minutes of Board Meeting
The Board of Trustees
Lake Travis Independent School District
A meeting of the Board of Trustees of Lake Travis Independent School District was held on February 17, 2021, beginning at 6:00 pm via a Zoom Video Conference in accordance with Governor Abbott's Temporary Suspension of Open Meetings Laws issued on March 16, 2020.

Call to Order
President Kim Flasch called the meeting to order at 6:01 pm.

Quorum Determination
Trustees in attendance were Kim Flasch, Guy Clayton, Bob Dorsett, John Aoueille, William Beard, and Jessica Putonti

Recognitions
Recognitions were postponed until the next board meeting.

Public Comments/Citizen Participation
Public comments / citizen participation was allowed to be submitted via email between the hours of 3:00 pm and 6:00 pm on February 17, 2021. The Superintendent read the email comment submitted to the Board of Trustees.

Jennifer Fleck submitted a public comment email on the issue of school board vote tabulations.

Presentation / Discussion Items

- **January 2021 Monthly Financial Report - Statement of Revenue and Expenditures, Balance Sheet, Tax Statement and 2018 Capital Project Report B**
  Pam Sanchez, Assistant Superintendent for Business and Operations, presented the monthly financial report which included a review of the following documents:
  1. Statement of Revenue and Expenditures - January 2021
  2. Balance Sheet - January 2021
  3. Tax Statement - January 2021
  4. 2018 Capital Project Report B - January 2021

  This item was for discussion only; no action was requested.

- **Request for Proposals for PA/AV Replacement for West Cypress Hills Elementary School and Lake Travis Middle School**
  Chris Woehl, Executive Director of Technology, explained that as a part of the 2018 Bond Program, upgrades to the PA/AV systems at West Cypress Hills Elementary School and Lake Travis Middle School are being completed. Competitive sealed proposals to update those PA/AV systems will be received March 11, 2021, at which time the proposals will be evaluated based on their price, overall project experience/qualification, and completeness and the best value will be selected. A recommendation to award the contract to the company that offers the best value for the District will be made at the April 21, 2021 board meeting.

  This item was for discussion only; action will be requested at the April 21, 2021 board meeting.

- **Estimated Amended Guaranteed Maximum Price (GMP) for CMR-8, Lake Travis High School Renovation Projects for the Summer of 2021 (Phase I Maintenance, $2,940,302) and 2022 (Phase II Permitted Work, $2,336,198)**
  Pam Sanchez, Assistant Superintendent of Business and Operations, discussed that they have received an estimated Amended Guaranteed Maximum Price (GMP) for the CMAR-8 Project for the Lake Travis High School and Annex Renovations planned for summer 2021. American Constructors, the construction manager at risk, has presented a Guaranteed Maximum Price (GMP) of $5,276,500. This price includes the following:

  Lake Travis High School and Annex (Phase I & II)
  - Architectural Finishes (flooring, wall and ceiling finishes)
  - MEP (HVAC and controls replacement)
  - Annex Elevator and Entry Vestibule
  - Site and paving infrastructure (maintenance projects and permitted work)
  - Fencing at Softball and Football Practice Fields
  - Men's Field House (Architectural Finishes)
  - Performing Arts Center Fly Loft Structural Repairs

  This item was for discussion only; action will be requested at the March 24, 2021 board meeting.

Consideration Items

- **TEA Expedited Waiver Request for Staff Development Minutes Waiver**
  Kathy Burbank, Director of Accountability & Assessment, explained that the administration was requesting approval by the board to apply for the Staff Development Minutes Waiver for the 2021-2022 school year. The waiver was not available at the time that the Instructional Calendar was approved by the board in December. The additional professional development days were noted in the 2021-2022 calendar pending the opening of the waiver request. The waiver allows the district to train staff on various educational strategies to improve student performance in lieu of student instruction during the school year. The waiver provides for a maximum of 2100 total waiver minutes to use for professional development. The waiver may not be used prior to the first day of student instruction or after the last day of student instruction. The dates requested to use for the professional development waiver days are September 24, 2021; November 1, 2021; December 17, 2021; March 11, 2022; and early release on December 16, 2021.

A MOTION was made by Trustee Beard and seconded by Trustee Aoueille to approve the application for the TEA Application for Staff Development Minutes Waiver.

The motion passed by a vote of 6-0.

- **Interlocal Cooperation Agreement for Dispatching Services Between City of Lakeway and the Lake Travis ISD**
  Paul Norton, Superintendent, explained that on December 16, 2020 the Board approved a resolution authorizing the Superintendent or designees to begin the process of establishing a school district police department. As a first step in this process, the District must submit an application to the Texas Commission on Law Enforcement (TCOLE). The TCOLE application requires the District be able to demonstrate its ability to dispatch personnel. The City of Lakeway has agreed to provide this service to the District's police department. The City of Lakeway already has the facilities, equipment, training and personnel necessary to provide the dispatching services and, thus, has the ability to dispatch LTISD

police personnel as well. The District will be required to reimburse the City of Lakeway for the District's portion of the costs associated with operating the Lakeway Dispatch Center. The maximum estimated cost for the remainder of the FY 2020-2021 and FY 2021-2022 is $35,950, based on the call volume for calendar year 18-19. The administration is requesting the board approve the Interlocal Agreement.

A MOTION was made by Trustee Beard and seconded by Trustee Dorsett to approve the Superintendent or designee to negotiate, execute, and amend, as necessary, the Interlocal Cooperation Agreement for Dispatching Services Between the City of Lakeway and the Lake Travis ISD.

The motion passed by a vote of 6-0.

- **Update to Lake Travis ISD CKE (LOCAL) Policy Regarding Security Personnel**
  Amber King, General Counsel, discussed as an additional part of the process of developing a school district police department, local board policy must also be revised to allow for the establishment of a district police department and provide a basic outline for police department operations and functions. Board Policy CKE (Local) is the district's policy regarding district security personnel. The recommended changes to the local policy include language that addresses supervisory authority, jurisdiction, policy authority, limitations on non-school employment, relationships with outside agencies, video monitoring, training, department regulations, and complaints.

A MOTION was made by Trustee Aoueille and seconded by Trustee Clayton to approve the recommended changes to the CKE (LOCAL) board policy regarding security personnel.

The motion passed by a vote of 6-0.

- **Resolution No. 01212021-01 Authorizing the Sale of Real Property Being Described as an Approximately 0.5082 Acre Tract of Land and All Improvements Theron Located at 607 Ranch Road 620 North, Austin, Texas 78734**
  Amber King, General Counsel, explained that the Texas Department of Transportation (TxDOT) is currently in the process of acquiring property for the state highway 620 expansion project. TxDOT has recently communicated to the District that approximately a half acre of the District's property at the EDC/LTE site is to be acquired for the RM620 construction improvement project. TxDOT can acquire this property either through a negotiated sale or through the process of eminent domain. The Administration believes that working through a negotiated sale of the land is in the District's best interest and would request that the Board approve a resolution authorizing the sale of the land subject to final approval by the Board of a fair market value offer by TxDOT.

A MOTION was made by Trustee Aoueille and seconded by Trustee Beard to approve Resolution No. 01212021-01 authorizing the sale of real property being described as an approximately 0.5082 acre tract of land and all improvements thereon located at 607 Ranch Road 620 North, Austin, Texas 78734.

The motion passed by a vote of 6-0.

- **Agreement for Water and Wastewater Service Between Lake Travis ISD and Lazy Nine Municipal Utility District No. 1A**
  Amber King, General Counsel, shared that LTISD and Lazy Nine MUD entered into an agreement in 2009 for water and wastewater service to be provided to LTISD's 136-acre site on which LTISD operates the Transportation and Distribution Center, Technology Center, and Bee Cave Middle School. Currently, these sites receive retail water service from Lazy Nine MUD but not wastewater service, as the wastewater service to those sites is provided by other means. LTISD does not anticipate any future need for these wastewater services to be provided by Lazy Nine MUD to the In-District Property. However, LTISD now desires, and Lazy Nine MUD has agreed to provide out-of-District retail wastewater service to the Lake Travis Middle School site up to the maximum amount of 5,000 gallons per day on an annual basis. The parties now wish to enter into an updated agreement that supersedes and replaces the 2009 Agreement; updates and modifies the reservation of water capacity for the In-District Property; and provides for out-of-District retail wastewater service for Lake Travis Middle School.

A MOTION was made by Trustee Beard and seconded by Trustee Dorsett to approve the Superintendent or designee to negotiate, execute and amend, as necessary, the agreement for water and wastewater service between Lake Travis ISD and Lazy Nine Municipal Utility District No. 1A.

The motion passed by a vote of 6-0.

- **Guaranteed Maximum Price (GMP) for CMR-8, Lake Travis High School and Annex Elevator and Fencing Projects**

  Pam Sanchez, Assistant Superintendent, discussed that the District has added two additional projects to the CMAR #8 project to include the Lake Travis High School and Annex Elevator and Fencing Projects. American Constructor's has presented a partial Guaranteed Maximum Price (GMP) for this part of the CMR-8 project, which is $789,132. This partial GMP includes the work on the LTHS Annex ADA Elevator, to include associated MEP requirements; LTHS Annex Entry Vestibule, to include associated MEP; LTHS Softball Fencing, steel pickets similar to Baseball; LTHS Football Practice Fields Fencing (along Spillman Loop), chain link to match existing. The District is asking that this partial GMP for these specific projects be approved immediately in order to ensure timely ordering, delivery, and installation of the necessary equipment.

A MOTION was made by Trustee Beard and seconded by Trustee Aoueille to approve the proposed partial Guaranteed Maximum Price for the Lake Travis High School and Annex Elevator and Fencing projects, which are a part of the larger CMR #8 project, and authorize the Superintendent or his designee to negotiate and execute the GMP Amendment.

The motion passed by a vote of 6-0.

- **Superintendent's Contract**
  Kim Flasch, Board President, presented to the board a revised contract for Superintendent Paul Norton.

A MOTION was made by Trustee Dorsett and seconded by Trustee Aoueille to approve the revisions to the Superintendent's contract as discussed at the January 27, 2021 board meeting.

The motion passed by a vote of 6-0.

Consent Agenda

- 2020-2021 District and Campus Improvement Plan Goals and Performance Objectives
- 2021-2022 Innovative Course Approval
- Locally Approved Courses for UIL No Pass/No Play Exemptions
- 2021-2022 Off-Campus Physical Education Providers
- Minutes of January 20, 2021 Board Meeting
- Minutes from January 27, 2021 Board Meeting

A MOTION was made by Trustee Beard and seconded by Trustee Aoueille to approve the consent agenda items as presented.

The motion passed by a vote of 6-0.

Upcoming Meetings and Events

Board President Kim Flasch announced the following upcoming meetings and events:

- March 24, 2021 - 6:00 p.m. - Monthly Board Meeting, EDC
- April 7, 2021 - 6:00 p.m. - Board Budget Workshop, EDC
- April 21, 2021 - 6:00 p.m. - Monthly Board Meeting, EDC

Closed Session

Trustees adjourned into Closed Session at 6:32 pm, as permitted by Texas Government Code 551.001 et seq.

Section 551.074 - Personnel Matters

1. The Board will discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public employees or officials. (This may involve consultation with attorney as permitted under Section 551.071)
    a. Superintendent's Contract

Section 551.071 - Consultation with Attorney

1. The Board will discuss and receive legal advice from its attorney on matters which should be confidential under Texas Government Code Section 551.071 (2).

Section 551.072 - Deliberation Regarding Real Property

1. The Board will discuss the purchase, exchange, lease or value of real property. (This may involve consultation with attorney as permitted under section 551.071.)

Section 551.0821 - School Board: Personally Identifiable Information About a Public School Student

1. The Board will discuss personally identifiable information about a public school student.

Section 551.076 - Deliberation Regarding Security Devices or Security Audits; Closed Meeting. This chapter does not require a governmental body to conduct an open meeting to deliberate:

1. The deployment, or specific occasions for implementation of security personnel or devices.

Open Session

Trustees returned from Closed Session at 7:31 pm. There was no action after closed session.

Adjournment

There being no further action, the February 17, 2021 Board of Trustees' meeting adjourned at 7:31 pm.

_____ _____

Kim Flasch, President **Lauren White, Secretary**