

**Agenda of Meeting**  
**Midlothian ISD**  
**Board of Trustees Regular Meeting**

L.A. Mills Administration Building  
100 Walter Stephenson Road  
Midlothian, Texas 76065

**Monday, July 18, 2022 – 5:30 PM**

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A Regular Meeting of the Board of Trustees of Midlothian ISD will be held Monday, July 18, 2022, beginning at 5:30 PM.

The subjects to be discussed or considered, or upon which any formal action may be taken are listed on the agenda, which is attached to, and made a part of this Notice. Items do not have to be taken in the order shown on this meeting notice.

The open portions of this meeting will be streamed live and recorded. The video will be made available to the public on the District's website.

**PUBLIC COMMENT** – Public comments related to this meeting will be accepted in person only in accordance with the Open Meetings Act and Local District Policy, BED(LOCAL). Members of the public wishing to address the Board during the public comment portion of this regular meeting shall be limited to five minutes, or less, should a change to the allotted time be necessary as determined by the presiding officer based on the meeting.

In-person participants must either sign up online by 4:00 pm the day of the meeting or sign in and complete a "Public Comment Participation Form" and present it to the Board President or designee 10 minutes prior to the start of the meeting. If a completed form for public comment is not received by the applicable deadline posted, the individual will not be able to participate in public comment at this meeting.

In accordance with the Texas Open Meetings Act, Board Members will listen to the comments. The Board, through the presiding officer or Superintendent, can offer factual information, cite Board policy, or direct the administration to investigate items and report back to the Board, but shall not engage in a two-way dialogue with patrons.

1. CALL TO ORDER
2. FIRST ORDER OF BUSINESS
  - A. Announcement by the presiding officer that a quorum of Board members is present, that the meeting has been duly called, and that notice of the meeting has been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551
3. CLOSED SESSION as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.
  - A. Safety and Security, Texas Government Code 551.076
  - B. Personnel, Texas Government Codes 551.074 - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;
  - C. Deliberation Regarding the Purchase, Exchange, Lease, or Value of Real Property, Texas Government Code 551.072

- D. Consultation with Board Counsel, Texas Government Code 551.071 - Regarding Personnel and Student Issues, Board Communications and Procedures, and Other Issues as Permitted by Law
- E. Deliberation Regarding Students, Texas Government Code 551.082, 551.0821
  - 1. Discipline Issues
  - 2. Non-Discipline Issues
- 4. RECONVENE TO OPEN SESSION
- 5. INTRODUCTION OF MEETING
  - A. Invocation
  - B. Pledges of Allegiance
- 6. PRESENTATIONS / RECOGNITIONS
  - A. MISD Mission and Vision
  - B. MISD Board Pledge
  - C. Recognition of Gifts and/or Donations
- 7. SUPERINTENDENT REPORT
  - A. Points of Pride for the Month
- 8. MISD Trustee Points of Pride
- 9. PUBLIC COMMENT *for Items on the Agenda:* Members of the public may address the Board during the public comment portion of the board meeting in accordance with Board policy BED (LOCAL). Individuals wishing to speak shall follow the procedures outlined above
- 10. CONSENT AGENDA
  - A. Consider Meeting Minutes
    - 1. May 16, 2022 - Regular Minutes - *Amended*
    - 2. June 13, 2022 - Regular Meeting Minutes
  - B. Quarterly Investment Report
  - C. Consider Requisitions over \$50,000
  - D. Consider Budget Amendments
  - E. Consider Approval of Gifts and/or Donations
  - F. Consider Food Service Price Increase per Price Adjustment Tool
  - G. Consideration of a Change Order with Imperial Construction for Electrical Underground Conduit and New Wiring at the Multi-Purpose Stadium Project
  - H. Consider 2022-2023 Student Code of Conduct
  - I. Consider T-TESS Appraisal Handbook, Calendar, and the List of Appraisers for 2022/2023 School Year
  - J. Consider District Required Staff Development Plan - Annual Approval
  - K. Consideration of Approval of the Interlocal Participant Agreement with the National Cooperative Purchasing Alliance
- 11. DISCUSSION/ACTION: ADMINISTRATION & HUMAN RESOURCES
  - A. Consider New Contingency Teaching Positions
  - B. Consider TCG Memorandum of Understanding with Region 10
  - C. Consider Approval of the District of Innovation Renewal for 2022 - 2027
- 12. DISCUSSION/ACTION: BUSINESS AND FINANCE
  - A. Receive Update on 2016 Bond Construction Updates
  - B. Consider RFP Calendar for 22-23



- C. Business Reports
- 13. DISCUSSION/ACTION: CHIEF OF STAFF
  - A. Consider 2022 TASB Delegate Assembly Designee and Alternate
- 14. DISCUSSION/ACTION: CURRICULUM AND INSTRUCTION
  - A. Receive an Update from Board Curriculum Sub-Committee
- 15. INFORMATION ITEMS
  - A. Discussion Update 119
  - B. Discuss FNF (LOCAL) Policy Revisions
  - C. Discuss Video Surveillance in Special Education Settings for 2022/2023 School year
  - D. Discuss Retirement Pay for 2022/2023 Retirees
- 16. PUBLIC COMMENT *for non-agenda items*
- 17. Consider Agenda Items/Topics for Upcoming Meetings
- 18. ADJOURNMENT OF MEETING

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed meeting or session of the Board of Trustees is required, then such closed meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

- |          |  |
|----------|--|
| 551.071  | Private consultation with the board's attorney.  |
| 551.072  | Discussing purchase, exchange, lease, or value of real property.   |
| 551.073  | Discussing negotiated contracts for prospective gifts or donations.  |
| 551.074  | Discussing personnel or to hear complaints against personnel.  |
| 551.075  | To confer with employees of the school district to receive information or to ask questions.  |
| 551.076  | Considering the deployment, specific occasions for, or implementation of, security personnel, or devices.  |
| 551.082  | Considering discipline of a public school child, or complaint or charge against personnel.   |
| 551.0821 | Discussing personally identifiable information about a public school student.  |
| 551.083  | Considering the standards, guidelines, terms, or conditions the board will follow, or will instruct its representatives to follow, in consultation with representatives of employees groups. |
| 551.084  | Excluding witnesses from a hearing.  |

Should any final action, final decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.



**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	MISD Mission and Vision	
<b>Agenda Location:</b>	PRESENTATIONS / RECOGNITIONS	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> As we open each meeting, it is important that we share the MISD Mission and Vision with all participants.</p> <p><b>Mission:</b> <i>The mission of Midlothian ISD is to educate students by empowering them to maximize their potential.</i></p> <p><b>Vision:</b> <i>Inspiring excellence today to change the world tomorrow.</i></p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.1 Multiple Pathways for All Students to Belong	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	AE-EDUCATIONAL PHILOSOPHY	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	Presentation only	
<b>Presenter:</b>	Jo Ann Fey, Ed.D.	
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Board Pledge	
<b>Agenda Location:</b>	PRESENTATIONS / RECOGNITIONS	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> As we open each meeting, it is important that we share the MISD Board Pledge with all participants.</p> <p><b>WHAT:</b> <i>Pledge is attached to read for the audience.</i></p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Primary)</i>	3.2 Strive to Be a Listening and Learning Organization Aligned with Stakeholder Engagement	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	BBF-BOARD MEMBERS - ETHICS	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	Presentation only	
<b>Presenter:</b>	Jo Ann Fey, Ed.D.	
	District Leadership	Executive Director (ED) or Director (D)

# Midlothian ISD

## Board Member Pledge, 2022-2023

As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

Holly  
Teague

### Student Focused

- I will be continuously guided by what is best for all students of the District.

### Trustworthiness in Stewardship

- I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns:
- I will work to ensure prudent and accountable use of district resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.

Jessica  
Ward

### Commitment in Service

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policy making, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively

Gary Vineyard

### Equity in Attitude

- I will be fair, just and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself. I will encourage expressions of different opinions and listen with an open mind to others' ideas

Eduardo  
Gonzalez

### Honor in Conduct

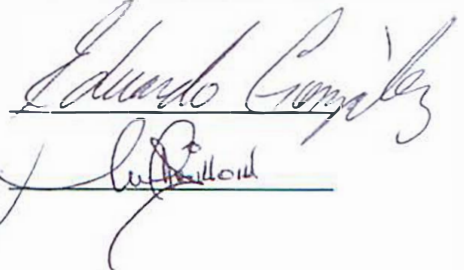
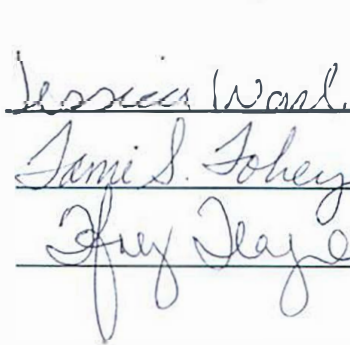
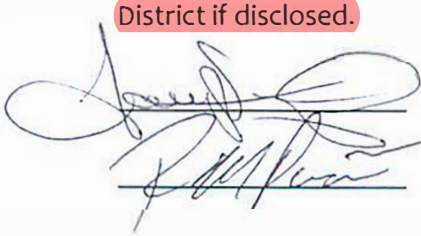
- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decisions as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

Mike Dillow

### Integrity in Character

- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.

Richard Pena



# Gifts and Donation -July 18, 2022

Department	Amount being Donated	Entity Donating
Running Total: \$3,820		
Heritage HS Golf	\$3,820 for indoor/outdoor portable hitting bay and state wall picture	Heritage HS Golf Boosters



**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Monthly Points of Pride	
<b>Agenda Location:</b>	PRESENTATIONS / RECOGNITIONS	
<b>Template Attachments:</b>	No	N/A
<b>If yes, then select what applies:</b>	Contract	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<b>WHY:</b> As we open each meeting, the Superintendent's Points of Pride provide an opportunity to recognize specific students, staff, and community members.	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.1 Multiple Pathways for All Students to Belong	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	3.1 Commit to MISD Cultural Tenets in a Way that Ensure Staff and Student Well-being	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>		
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	Presentation only	
<b>Presenter:</b>	Jo Ann Fey, Ed.D.	
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Trustee Points of Pride	
<b>Agenda Location:</b>	PRESENTATIONS / RECOGNITIONS	
<b>Template Attachments:</b>	No	N/A
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<b>WHY:</b> As we open each meeting, the Trustees have an opportunity to share Points of Pride recognizing specific students, staff, and community members.	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.1 Multiple Pathways for All Students to Belong	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	3.1 Commit to MISD Cultural Tenets in a Way that Ensure Staff and Student Well-being	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>		
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	Presentation only	
<b>Presenter:</b>	Jo Ann Fey, Ed.D.	
	District Leadership	Executive Director (ED) or Director (D)



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Minutes of Regular Meeting – *AMENDED*

The Board of Trustees

May 16, 2022 / 5:30 pm

<b>Board Members Present:</b>	Eduardo González Bobby Soto	Holly Teague Tami Tobey	Richard Peña Gary Vineyard*
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**Board Members Absent:** Matt Sanders

<b>Administration Present:</b>	JoAnn Fey Darin Kasper	Shelle Blaylock Jim Norris	KayLynn Day Aaron Williams
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1. FIRST ORDER OF BUSINESS
  - A. Announcement by the presiding officer that a quorum of Board members is present, that the meeting has been duly called, and that notice of the meeting has been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551  
  
The meeting was called to order at 5:30 pm.
2. INTRODUCTION OF MEETING
  - A. Invocation  
The Invocation was led by Bobby Soto.
  - B. Pledges of Allegiance – Frank Seale Middle School  
Frank Seale Middle School students led the Pledges of Allegiance.
3. RECOGNITION- Trustee Bobby Soto’s Service  
President Gary Vineyard presented Bobby Soto with a plaque acknowledging his service and support of MISD over the last three years. Mr. Soto gave a brief statement as his closing remarks.
4. INSTALLATION OF SCHOOL BOARD MEMBERS
  - A. Administer Oath of Office to Places 4 and 5 Members  
Theda McGrew administered the Oath of Office to Mike Dillow as Board of Trustee, Place 4 and Jessica Ward as Board of Trustee, Place 5.

RECOGNITION / Point of Privilege

Mr. Matt Sanders was recognized for his service to MISD as his term as a trustee has concluded. He provided his closing remarks virtually; since he was attending the state golf tournament with the Heritage Golf team.

5. CLOSED SESSION, Discussion of Board officers, including submissions of intent and qualifications under Texas Government Code 551.074.

The Board moved out of open session and into closed session at 5:57 pm under Texas Government Code Chapter 551.074.

6. RECONVENE TO OPEN SESSION

The Board moved out of closed session and back into open session at 6:41 pm.

7. Reorganization of Board Officers

Dr. Fey called for nominations of individuals for the office of Board President. Richard Peña nominated Gary Vineyard for the office of President. Holly Teague nominated Tami Tobey for the office of President. Hearing no additional nominations, the nominations closed.

The vote for Gary Vineyard as president failed with a vote of 3/ 4; Tami Tobey, Holly Teague, Mike Dillow, and Eduardo González voting against the nomination.

The vote for Tami Tobey as president passed with a vote of 4/3. Gary Vineyard, Richard Peña, and Jessica Ward voting against the nomination.

Dr. Fey called for nominations of individuals for the office of Vice President. Holly Teague nominated Gary Vineyard for Vice President. Mike Dillow nominated Eduardo González for the office of Vice President. The nominations ceased. The vote of Gary Vineyard for the office of Vice President passed with a vote of 4/3; Tami Tobey, Mike Dillow, and Eduardo González voted against the nomination.

Dr. Fey called for nominations for the Office of Secretary. Gary Vineyard nominated Eduardo González for Secretary. There were no further nominations. The motion passed with a vote of 6-1; Richard Peña voting against the motion.

8. SUPERINTENDENT’S REPORT

Dr. Fey highlighted special events such as the MILE Final Pitch, NBC5 HHS Carter in the Classroom last week, HHS student Mya Lemke and MHS student, Jade Gaither for the UIL medal at their state art competition, and Jessica Mendoza as she prepares to compete in the culinary national competition next month in California.

9. PRESENTATIONS / RECOGNITIONS

D. Recognition of 2022 Valedictorian and Salutatorian

Kaitlyn Zimmerman was recognized as the MHS Valedictorian for 2022 and Avalon Mitchell was recognized as the MHS Salutatorian.

Cooper Lucas was recognized as the Heritage HS Valedictorian for 2022 while Sterling Martinez was recognized as the HHS Salutatorian.

E. Recognition – Midlothian High School HOSA

The MHS HOSA teams were recognized for their competition and scholarship awards.

F. Recognition – Heritage High School UIL Academics State Qualifiers

The Heritage High School UIL Academic team was recognized for their District, Regional and State qualification accomplishments for this year.

G. Recognition – Heritage High School One Act Play Region Qualifiers

Heritage UIL One-Act Play team finished their season with an outstanding run at Regionals.

- H. Recognition – Heritage High School UIL Theatrical Design State Champions  
The UIL Theatrical Design team competed at the State UIL Theatrical Design contest with Paige Miller winning a 2nd place silver medal for her Division I Set Design and Katelyn Clarke winning the gold medal state championship for Division I Marketing Design.
- I. Recognition – Heritage HS Girls Soccer State Qualifiers  
Heritage High School's Girls Soccer Team had a fantastic season, representing MISD at the state championship and being the state-runner up for 2022.
- J. Recognition – Heritage HS Boys Soccer – Regional Semi-finalists  
Heritage High School's Boys Soccer Team was recognized for a great season as the Regional Quarter-Final Champions.
- K. Recognition – MHS Girls Soccer Regional Semi-finalists  
MHS Girls Soccer team was recognized for finishing the season as the Regional Quarter-Final Champions.
- L. Recognition – Heritage High School Tennis State Qualifier  
HHS Student Jaelee Young qualified for the State Tennis Tournament in the individual competition and finished the season as the Regional Champion for the second year in a row.
- M. Recognition – Recognition of Gifts and Donations  
The Board recognized Baxter PTO and the Heritage Girls Soccer Booster Club for their donations to MISD.
- A. MISD Mission and Vision  
The Mission and Vision were read into the record.
- B. MISD Pledge  
The Board shared the MISD Board pledge.
- C. Superintendent Student Ambassador Question and Answers  
Austin Craft, Heritage HS junior student, shared his thoughts relating to advanced or AP courses and the effect it has had on his personal educational experience.

Riley Schultz, MHS senior student, shared his personal experience participating in AP courses and the concern with gamifying classes for class rank, etc.

10. PUBLIC COMMENT *for Items on the Agenda:* Members of the public may address the Board during the public comment portion of the board meeting in accordance with Board policy BED (LOCAL). Individuals wishing to speak shall follow the procedures outlined above.

Dr. Lisa Cook, addressed the Board regarding the student dress code.

Allana Cook, discussed the dress code.

Lisa Healy, discussed the dress code and consequences for breaking dress code.

Jessica Cano, spoke to the Board regarding dress code.

The Board moved out of open session and into closed session at 7:32 pm under Texas Government Code Chapter 551.071, 074, 072, 082, and 0821.

17. CLOSED SESSION as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.

- A. Consideration of Personnel, Texas Government Codes 551.074- Resignations, Terminations, and Non-renewals of Professional Employees, Employment, Leaves of Absences, Personnel Issues
- B. Discussion and legal consultation regarding the Board's Standard Operating Procedures and related subject matters pursuant to Tex. Gov't Code 551.071 and 551.074
- C. Consider Purchase, Exchange, Lease, or Value of Real Property 551.072
- D. Students, Texas Government Code 551.082, 551.0821
  - 1. Discipline Issues
  - 2. Non-Discipline Issues

18. RECONVENE TO OPEN SESSION

The Board moved out of closed session and into open session at 8:52 pm.

11. CONSENT AGENDA

- A. Consider Meeting Minutes
  - 1. April 18, 2022- Regular Meeting Minutes
  - 2. May 2, 2022 Special Meeting Minutes
- B. Consider Budget Amendments
- C. School Health Advisory Council (SHAC) Curriculum and Instruction Recommendation Related To Child Abuse, Family Violence, Dating Violence and Sex Trafficking
- D. Consider Student Dress Code for 2022 - 2023
- E. Consider Information on Goodside Health MOU
- F. Consideration of Granting an Easement to Atmos Energy Corporation for a Gas Supply Pipeline to Coleman Elementary
- G. Consider Approval of CSP 2122-013 Parking Lot Additions for the MILE and Randall Hill Support Center
- H. Consider Approval of RFP 2122-014 Counseling Services
- I. Consider FF&E Items for Heritage High School Phase 2
- J. Consider Approval of Gifts and/or Donations
- K. Consider Texas COVID Learning Acceleration Supports MOU Agreements for Alternative Certification

Eduardo González asked to pull Item D and Mike Dillow asked to pull Item E for further discussion.

Eduardo González moved, seconded by Gary Vineyard, to approve the Consent Agenda as presented with the exception of Items D & E. The motion passed with a vote of 7-0.

D. Consider Student Dress Code for 2022-2023

Richard Peña moved, seconded by Holly Teague, to approve the dress code as presented. The motion passed with a vote of 5-2. Mike Dillow and Eduardo González voting against the motion.

E. Consider Information on Goodside Health MOU

Mike Dillow moved, seconded by Gary Vineyard, to move this item to the June meeting for additional information to be provided. The motion passed with a vote of 7-0.

12. BUSINESS AND FINANCE

A. Receive Update on 2016 Bond Projects

Matt Even provided the monthly update on Coleman Elementary and Zach Rogers provided the update on the expansion at Heritage High School.

B. Discuss 2022-2023 Budget Assumptions

Darin Kasper presented the most recent budget numbers for 2022-2023 with a review of currently expected revenues and expenditures focusing on the General Operating Fund and the Debt Service Fund.

C. Consider Appointing the MISD Representative to the Tax Reinvestment Zone (MDA) Board of Directors

Eduardo González moved, seconded by Richard Peña, to approve Darin Kasper as the MISD representative on the TIRZ Board. The motion passed with a vote of 7-0.

D. Consider Setting Tax Rate Publication Rate and Date for 2022-2023 Budget Hearing

Gary Vineyard moved, seconded by Holly Teague, that the publication tax rate be \$0.8546 for Maintenance and Operations and \$0.48 for Interest and Sinking, and the regular June 13, 2022, board meeting be set as the date for the public hearing on the proposed budget and proposed tax rate for 2022-2023. The motion passed with a vote of 7-0.

E. Business Reports

Business Reports provided for review.

13. CURRICULUM & INSTRUCTION

A. Discuss Navarro MOU for 2022/2023

Shelle Blaylock presented the most recent update to the 2022-2023 Memorandum of Understanding with Navarro College for the upcoming school year. This item will be

brought back to the Board for action at the June regular meeting.

14. ADMINISTRATION & HUMAN RESOURCES

- A. Discuss Contract (22/23) between Midlothian ISD and City of Midlothian (Interlocal Agreement(s)) for Student Resource Officer(s) (SRO)

KayLynn Day presented the SRO Agreement for the 22/23 school year for information and will bring back to the Board for action in June.

- B. Discuss Interlocal Agreement for Workers Compensation with Deep East Texas Self Insurance Fund (DETSIF)

KayLynn Day shared information relating to the Deep East Texas Self Insurance Fund as the Worker's Comp provider for the 2022/2023 school year. This will be an action item at the June regular meeting.

15. INFORMATION ITEMS

- A. Discuss Recommendation to Amend Local Policy DNA (LOCAL)

Aaron Williams shared proposed changes to local district policy DNA based upon the adoption of the Teacher Incentive Allotment and appraisal process. This change will align policy with the new practice. Item will be brought back for action in June.

- B. Discuss 2022/2023 Stipends

KayLynn Day shared the proposed stipends for 2022/2023.

16. PUBLIC COMMENT *for non-agenda items*

Dr. Lisa Cook addressed the Board regarding fights on campus and additional communication for parents during a lockdown situation, as well as services to students and parents following an incident such as a lockdown.

Allana Cook shared her concern for safety at MHS with fights taking place and the impact and effect the lockdown of Sept. 2019 had on her.

Jennifer Infante spoke in support of additional staff at the middle school level for choir students.

Bo Davis spoke supporting additional choir staff to support the students in this program.

Lisa Healy presented the Board with sandwiches from Jimmie Johns and shared the origination of this establishment and the importance of staying true to an organizations processes and core beliefs.

19. Consider and Approve Recommendation for the Position of Principal at Baxter Elementary

Eduardo González moved, seconded by Gary Vineyard, to approve Trina Sellman as the principal

for Baxter Elementary. The motion passed with a unanimous vote of 7-0.

20. Action, if any, on Items Discussed in Closed Session

21. Consider Agenda Items/Topics for Upcoming Meetings

- Goodside MOU as detailed above.

22. ADJOURNMENT OF MEETING

Gary Vineyard moved, seconded by Jessica Ward, to adjourn the meeting. The motion passed with a vote of 7-0 and the meeting was adjourned at 10:25 pm.

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Board President

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Board Secretary

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July 18, 2022

Date

Minutes of Regular Meeting  
The Board of Trustees  
June 13, 2022 / 5:30 pm

<b>Board Members Present:</b>	Mike Dillow Tami Tobey*	Eduardo González Gary Vineyard	Holly Teague Jessica Ward
<b>Board Members Absent:</b>	Richard Peña		
<b>Administration Present:</b>	JoAnn Fey Darin Kasper	Shelle Blaylock Jim Norris	KayLynn Day Aaron Williams

\*Participated virtually and joined the meeting at 5:32 pm in closed session.

1. FIRST ORDER OF BUSINESS

- A. Announcement by the presiding officer that a quorum of Board members is present, that the meeting has been duly called, and that notice of the meeting has been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551

The meeting was called to order at 5:30 pm.

The Board moved immediately into closed session at 5:31 pm under Texas Government Code Chapter 551.076, 071, 074, 082 and 0821.

2. CLOSED SESSION as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.

- A. Safety and Security, Texas Government Code 551.076
- B. Discussion and legal consultation regarding the Board's Standard Operating Procedures and related subject matters pursuant to Tex. Gov't Code 551.071 and 551.074
- C. Personnel, Texas Government Codes 551.074 - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;
- D. Deliberation Regarding the Purchase, Exchange, Lease, or Value of Real Property, Texas Government Code 551.072
- E. Consultation with Board Counsel, Texas Government Code 551.071 - Regarding Personnel and Student Issues, Board Communications and Procedures, and Other Issues as Permitted by Law
- F. Deliberation Regarding Students, Texas Government Code 551.082, 551.0821
1. Discipline Issues
  2. Non-Discipline Issues



The Board moved out of closed session and into open session at 6:28 pm.

3. INTRODUCTION OF MEETING

A. Invocation

The invocation was given by Eduardo González.

B. Pledges of Allegiance - Walnut Grove Middle School

The pledges were led by the Walnut Grove Middle School students via a recorded message.

4. PUBLIC COMMENT **for Items on the Agenda:** Members of the public may address the Board during the public comment portion of the board meeting in accordance with Board policy BED (LOCAL). Individuals wishing to speak shall follow the procedures outlined above.

There was no public comment for this meeting.

9. ADMINISTRATION & HUMAN RESOURCES

C. Consider Naming the Heritage High School Head Football Coach

Holly Teague moved, seconded by Jessica Ward, to name Eric Edwards as the head football coach for Heritage High School. The motion passed with a vote of 6-0.

5. PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

Darin Kasper facilitated the required public meeting for the proposed 2022-2023 General Fund, Debt Service Fund, and Child Nutrition Fund Budgets for the 2022-2023 school year.

6. PRESENTATIONS / RECOGNITIONS

A. MISD Mission and Vision

Mission and Vision were read by Gary Vineyard.

B. MISD Board Pledge

Trustees read the pledge into the record.

C. Recognition - Heritage Girls Golf

Heritage High School Girls Golf Team represented MISD well at the state tournament. They are the UIL 4A State Runner-Up; and Maddie Sanders received a silver individual medal after getting a birdie on the 18th hole in a playoff.

D. Recognition - MHS Track

Three MHS students represented MISD at the UIL Track & Field meet in May. Maddie Fey is the State Champion in discus and earned the silver medal in shot put. Jade Ferrell placed 6th in the high jump event, and Gabe Songer placed 7th in discus.

E. Recognition - Heritage HS Track

Heritage High School had three students compete at the UIL Track & Field meet in May. Leah

Anderson medaled in four events: bronze in the long jump event, and State Champion in the triple jump, 100 hurdles and 300 hurdles events. Additionally, Stetson Surratt qualified in the triple jump event, and Eva Jacobson qualified in the 800 run.

F. Recognition of Gifts and/or Donations

The Board recognized the individuals/entities that submitted a gift or donation for the month of May.

7. DISCUSSION/ACTION ITEMS

A. Strategic Planning: Trustee Review of Balanced Scorecard Key Strategic Actions and Corresponding Measures (Priority 3 and 4 Focus)

Jennifer Ellison, Sheri Brezeale and Darin Kasper reviewed the Balanced Scorecard Key Strategic Actions and Corresponding measures for Priority 3 and 4.

B. Consider Amending Board Adopted Goal, Priority 3 to Include Wording Identifying Safety

Eduardo González moved, seconded by Jessica Ward, to approve amending Board Approved Priority 3 to read Culture, Climate and Safety. The motion passed with a vote of 6-0.

9D. Consider to Approve the MISD Board Operating Procedures

Holly Teague moved, seconded by Jessica Ward, to approve the MISD Board Operating Procedures as presented. The motion passed with a vote of 6-0.

C. Consider Designation of Trustees for Individual Subcommittees for 2022-23

1. City / School Subcommittee

Eduardo González moved, seconded by Gary Vineyard, to approve Eduardo Gonzales (chair), Holly Teague, and Mike Dillow as the Curriculum/Instruction Committee. The motion passed with a vote of 6-0.

Eduardo González moved, seconded by Gary Vineyard, to approve Holly Teague (chair), Jessica Ward, and Richard Peña, as the Administration/HR Committee. The motion passed with a vote of 6-0.

Eduardo González moved, seconded by Gary Vineyard, to approve Mike Dillow (chair), Jessica Ward, and Richard Peña as the Business and Operations Committee. The motion passed with a vote of 6-0.

Eduardo González moved, seconded by Gary Vineyard, to approve Gary Vineyard (chair), Eduardo González, and Tami Tobey as the Governance Committee.

2. Consider Selecting Board Member for Midlothian Education Foundation

Eduardo González moved, seconded Jessica Ward, to appoint Richard Peña as the Board representative for MEF for 22/23. If Mr. Peña is not available to fulfill the appointment, Gary Vineyard will be the alternate. The motion passed with a vote of 6-0

## 8. CONSENT AGENDA

- A. Consider Meeting Minutes
  - 1. May 16, 2022 - Special Canvass Meeting Minutes
  - 2. May 16, 2022 - Regular Meeting Minutes
  - 3. June 2, 2022 - Special Meeting Minutes
- B. Consider Budget Amendments
- C. Consider Approval of Gifts and/or Donations
- D. Consider TexPool Resolution
- E. Consider Lonestar Investment Pool Resolution
- F. Consider Tuition Rate for Non-Resident Students 2022-2023
- G. Consider Contract (22/23) between Midlothian ISD and City of Midlothian (Interlocal Agreement(s)) for Student Resource Officer(s) (SRO)
- H. Consider Navarro MOU for 2022/2023
- I. Consider Authorization for Superintendent to Hire Contractual Personnel between July 1, 2022 and December 31, 2022
- J. Consider Interlocal Agreement for Workers Compensation with Deep East Texas Self Insurance Fund (DETSIF)
- K. Consider Recommendation to Amend Local Policy DNA (LOCAL)
- L. Consider 2022/2023 Stipends
- M. Consideration of Amending the Budget for the MILE and Randall Hill Support Center Parking Project to Include City of Midlothian Requirements
- N. Consider Changing Dates of Regular Board Meetings for November and December 2022 and January and February of 2023 due to Holiday Conflicts
- O. Consider Approval of RFP 2122-014 Counseling Services (Part 2)
- P. Consider Requisitions of \$50,000
- Q. Consideration of Amending the Easement to Atmos Fuel Energy Corporation for a Gas Supply Pipeline to Coleman Elementary

Mike Dillow asked to pull Items J and O for discussion.

Eduardo González moved, seconded by Holly Teague, to approve the Consent Agenda as presented with the exception of Items J and O. The motion passed with a vote of 6-0.

Item J: Consider Interlocal Agreement for Workers Compensation with Deep East Texas Self Insurance Fund (DETSIF)

Mike Dillow moved, seconded by Eduardo González, to approve Item J as presented. The motion passed with a vote of 6-0.

Item O: Consider Approval of RFP 2122-014 Counseling Services (Part 2)

Mike Dillow moved, seconded by Jessica Ward, to approve Item O as presented. The motion passed with a vote of 6-0.

9. ADMINISTRATION & HUMAN RESOURCES
  - A. Consider and Approve Optional Flexible School Day Program Application for 2022-23  
Holly Teague moved, seconded by Jessica Ward, to approve the Optional Flexible School Day Program for the 2022-2023 school year. The motion passed with a vote of 6-0.
10. BUSINESS AND FINANCE
  - A. Consider Supplemental Pay Resolution  
Tami Tobey moved, seconded by Eduardo González, that the Board approve the following resolution and action related to a contingent one-time supplemental payment to employees for the 2022-2023 school year, and to authorize the Board President and Secretary of the Board to sign the resolution on behalf of the Board. The motion passed with a vote of 6-0.
  - B. Consider 2022-2023 Final Budget Adoption  
Jessica Ward moved, seconded by Eduardo González, to approve the 2022-2023 budgets for the General Fund, Debt Service Fund, and the Child Nutrition Fund as presented. The motion passed with a vote of 6-0.
  - C. Discuss the Process for Proceeding with Architectural Services RFQ 2122-016  
Architectural Services  
Darin Kasper reviewed the timeline, status, and intent of the RFQ and shared that a preliminary rubric has been designed for the evaluation process. With the creation of the board subcommittee for business and operations, committee members will participate in the evaluation process to bring a recommendation to the Board at the appointed time.
  - D. Business Reports  
Business Reports were provided for review.
11. PUBLIC COMMENT *for non-agenda items*  
There was no public comment for this portion of the meeting.
12. Action, if any, on Items Discussed in Closed Session
13. Items for Next Regular and/or Special Board Meetings  
Update from the Board Curriculum Subcommittee.
14. ADJOURNMENT OF MEETING  
The meeting adjourned at 8:18 pm.

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Board President

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Board Secretary

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July 18, 2022

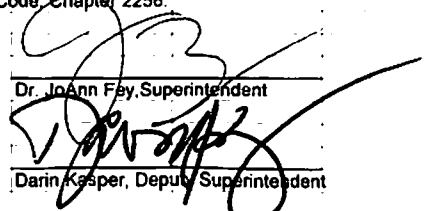
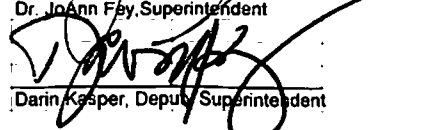
Date

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Quarterly Investment Report	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> Board Policy CDA (LEGAL) requires the District investment officer to prepare a written report of investment transactions for all funds covered under the Public Funds Investment Act. This report shall be presented to the Board and Superintendent not less than quarterly, within a reasonable time after the end of the period.</p> <p><b>WHAT:</b></p> <ul style="list-style-type: none"> <li>• Total Cash Balances decreased from last quarter by \$32.8 M due to the payments for construction projects from the 2016 Bond Funds.</li> <li>• Total Interest earned this quarter was \$158,558.84 which is more than the prior quarter by \$134,428.38. Interest rates have increased this quarter. The increase in interest rates are as follows- Lone Star rates increased last quarter from 0.047% to 0.600%, TexPool rates increased from 0.085% to 0.643% and First Financial increased from 0.156% to 0.644%.</li> </ul> <p>A detailed report is presented covering the quarter beginning April 1, 2022 and ending June 30, 2022.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference:</b> (1) / (2)	Texas Education Agency	N/A
<b>Policy Reference:</b> (1) / (2)	CDA-OTHER REVENUES - INVESTMENTS	

<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	Presented as a consent item. If the item is pulled from the consent agenda, the motion might be: "I move that the quarterly investment report be approved as presented."	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD Investments**  
04/01/22-6/30/22

	<u>Balance at 04/01/22</u>	<u>Deposits</u>	<u>Withdrawals</u>	<u>Interest</u>	<u>Balance at 06/30/22</u>	<u>Fund Totals</u>	<u>First Financial Checking &amp; MMA</u>	<u>Lone Star</u>	<u>TexPool</u>	<u>Total</u>
<b>Fund 163 Payroll</b>										
Checking Account-FFB	61,884.41	18,831,859.77	(18,820,830.61)	2,496.88	75,410.45	75,410.45	75,410.45			
						75,410.45				
<b>Fund 199 General Fund</b>										
Worker Comp Checking Account-FFB	63.09	100.00	(79.00)	0.08	84.17		84.17			
Lone Star Investment Pool	19,465,778.84	769,544.72	(17,300,000.00)	6,450.19	2,941,773.75			2,941,773.75		
TexPool	33,512,301.48	34,685,575.42	(39,500,026.98)	49,920.65	28,747,770.55				28,747,770.55	
						31,689,628.47				
<b>Fund 240 Food Service</b>										
Money Market account-FFB	358,778.24	134,603.35	(485,660.31)	110.93	7,832.21		7,832.21			
TexPool	1,482,336.45	513,292.93	(117,021.58)	3,269.61	1,881,877.41				1,881,877.41	
						1,889,709.62				
<b>Fund 461 Campus Activity</b>										
TexPool	940,163.71	0.00	(43,687.25)	1,479.26	897,955.72				897,955.72	
						897,955.72				
<b>Fund 499 Child Care</b>										
TexPool	228,684.44	42,721.57	(1,897.46)	387.90	269,876.45				269,876.45	
						269,876.45				
<b>Fund 599 Interest &amp; Sinking (Debt Service)</b>										
Lone Star Investment Pool	7,373,785.08	407,275.29	(4,000,000.00)	5,458.78	3,786,519.15			3,786,519.15		
TexPool	8,411,065.35	9,485,347.47	(5,663,298.79)	19,134.91	12,252,248.94				12,252,248.94	
						16,038,768.09				
<b>Fund 694 Construction</b>										
2017 Bonds Retainage	2,897,303.06	620,911.19	(2,722.43)	5,064.07	3,520,555.89					
2018 Series	(0.00)				(0.00)					
2020 Series	42,537,302.35	378,811.73	(14,487,013.89)	58,840.08	28,487,940.27				32,008,496.16	
						32,008,496.16				
<b>Multi-fund Checking Account</b>										
First Financial	2,363,360.09	46,703,202.10	(45,137,852.07)	5,945.50	3,934,655.62		3,934,655.62			
						3,934,655.62				
<b>TOTALS</b>	<b>119,632,786.57</b>	<b>112,573,245.54</b>	<b>(145,560,090.37)</b>	<b>158,558.84</b>	<b>86,804,500.58</b>	<b>86,804,500.58</b>	<b>4,017,982.45</b>	<b>6,728,292.90</b>	<b>76,058,225.23</b>	<b>86,804,500.58</b>
							0.644%	0.600%	0.643%	
<p>The investments listed above comply with the District's investment policy as defined in CDA (Local) and with relevant provisions of the Government Code, Chapter 2256.</p> <p>Prepared by:  Dr. JoAnn Fey, Superintendent</p> <p> Darin Kasper, Deputy Superintendent</p>										

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Over \$50,000 Requisitions	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
	<b>WHY:</b> 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 \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.	
	<b>WHAT:</b> The following attached 22-23 requisitions require Board approval:	
	NWEA – MAP software renewal - \$130,771.50 – ESSER Supplement Funds Superior Pediatric Care - Physical Therapy Services and visually impaired teacher services- \$110,000 - General Fund and ARP IDEA B Funds MSB Consulting Group LLC - Consulting Fees for SHARS and MAC - \$103,000 - General Fund Gaggie- Software Renewal for safety management for Students - \$54,366.25 - General Fund Skyward - Finance, Human Resources and Student Information Services software renewal - \$84,515 - General Fund Xerox - Copier Leases for 22-23 - \$145,614.06 - General Fund Methodist Medical Group - Employee Express Care Clinic - \$170,000 - General Fund Ellis Appraisal District - Appraisal Fee based on assessed values - \$848,431.54 - General Fund North American Solutions - Property and Casualty Insurance - \$1,664,825 - General Fund City of Midlothian - Police officer work outside of MOU including security for Athletic Events, traffic, residency and SRO OT - \$192,000 - General Fund Frontline Technologies Group LLC - IEP software for Special Ed, ELL/LPAC, RTI software renewal for Curriculum and Absence and Substitute Management software for Human Resources - \$62,494.07 - General Fund Region X - Business Services - Orientation and Mobility services for Visually Impaired Students - \$100,000 - IDEA B Federal Grant Region X - Business Services - Fiber Network annual billing, Docunav/Laserfiche services and Early Education Specialized Services agreement - \$71,050 - General Fund	



	Longhorn Bus Sales, LLC - Special Needs 54 Passenger Bus - \$124,985 - ESSER III Funds Longhorn Bus Sales, LLC - 2 77 Passenger Route Buses - \$241,716 - ESSER Supplemental Funds College Board - AP Tests, SAT tests & PSAT/NMSQT tests - \$198,055 - General Fund Curriculum Associates, Inc. - iReady Teacher Toolbox Access - \$94,435 - ESSER Supplemental Funds Instructure Inc. - Canvas Cloud License Renewal - \$65,648 - General Fund Supply Room Inc. - JROTC Uniforms - \$71,289.87 - General Fund DeSoto Janitorial Supply - Toilet tissue and paper towels for districtwide custodial - \$102,033.75 - General Fund City of Midlothian - Sportspark personnel and electricty/maintenance - \$110,000.00 - General Fund Western - BRW Paper - copy paper for districtwide use - \$104,076 - General Fund Walsh Gallegos - purchase order for billing legal fees against throughout the year - \$151,000	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	CH-PURCHASING AND ACQUISITION	
<b>Fiscal Impact/Budget Function Code:</b>	Budgeted General Funds, ESSER III Funds, ESSER Supplemental Funds	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	Presented as a consent item. If the item is pulled from the consent agenda, the motion might be: "I make a motion to approve the requisitions over \$50,000 as presented."	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

REQ DATE

06/14/2022

PAGE 1 OF 1

REQUISITION NUMBER

0000109196

PRINTED 06/14/2022

VENDOR KEY : NWEA 000  
 SHIP DATE : 06/14/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : WALTODAN000  
 ORIGINAL REQ # : 0000109196

**VENDOR:**  
 NWEA  
 PO BOX 2745  
 PORTLAND, OR 97208

**SHIP TO:**  
 RANDALL HILL SUPPORT CENTER  
 315 EAST AVENUE E  
 MIDLOTHIAN, TX 76065

ATTN: DANIELLA WALTON

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
7764		MAP Growth K-12	12.25000	95,109.00
6785		MAP Growth Science (Add-On)	2.50000	16,962.50
1		Onsite MAP Growth Basics + Onsite Applying Reports - Connect MAP Grow, and Student Growth/Goal Settings Workshop (up to 30 participants)	7000.00000	7,000.00
1		Virtual Applying Reports: Essential Reports for Administrators (2-hour session, up to 30 participants)	1200.00000	1,200.00
3		Professional Learning Workshop (full day) (up to 30 participants)	3500.00000	10,500.00
1		Growth Report +1hr Virtual Consulting		
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
283 E 11 6398 00 999 0 11 000		130,771.50		
			<b>PAGE TOTAL</b>	130,771.50
			<b>TOTAL</b>	130,771.50

This is a Requisition and not an official Purchase Order.  
 The District is not financially responsible for the  
 unauthorized purchases made with a Requisition.

REQ DATE

07/05/2022

REQUISITION NUMBER

0000109500

PRINTED 07/05/2022

VENDOR KEY : SUPERPED000  
 SHIP DATE : 06/28/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HARDEVAN000  
 ORIGINAL REQ # : 0000109500

**VENDOR:**  
 SUPERIOR PEDIATRIC CARE  
 1201 SUMMITT AVE FL 5th  
 FORT WORTH, TX 76102

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (817) 926-3330 FAX: (817) 926-5303

ATTN: VANESSA HARDEGREE

Contract Nbr: EPCNT

Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		EPCNT- MANSFIELD ISD 19-002-2 EXP 6/30/22 Contracted Physical Therapy Services(PT) & (PTA) for the 22-23 School Year. *****OPEN PO***** ***PLEASE RETURN PO TO V.HARDEGREE***  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 199 E 11 6219 02 849 0 23 849 60,000.00  <b>CommCode:</b> Special Ed Student Services	60000.00000	60,000.00
			<b>PAGE TOTAL</b>	60,000.00
			<b>TOTAL</b>	60,000.00

This is a Requisition and not an official Purchase Order.  
 The District is not financially responsible for the  
 unauthorized purchases made with a Requisition.

REQ DATE

07/05/2022

REQUISITION NUMBER

0000109611

PRINTED 07/07/2022

VENDOR KEY : SUPERPED000  
SHIP DATE : 07/05/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HARDEVAN000  
ORIGINAL REQ # : 0000109611

**VENDOR:**  
SUPERIOR PEDIATRIC CARE  
1201 SUMMITT AVE FL 5th  
FORT WORTH, TX 76102

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (817) 926-3330 FAX: (817) 926-5303

ATTN: VANESSA HARDEGREE

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		MISD Contracted Services for SPED for Visually Impaired Teacher including Direct/Consult/Evaluations/ARD Meeting/ Prep for the 22-23 School Year. ***PLEASE RETURN PO TO V.HARDEGREE***  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER ACCOUNT AMOUNT 284 E 11 6219 00 999 0 23 000 50,000.00  CommCode: Spec Ed Consulting Services/PD	50000.00000	50,000.00
			<b>PAGE TOTAL</b>	50,000.00
			<b>TOTAL</b>	50,000.00

This is a denied requisition - Not a purchase order!

REQ DATE

06/30/2022

REQUISITION NUMBER

0000109586

PRINTED 07/07/2022

VENDOR KEY : MSB CONS000  
SHIP DATE : 06/30/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HARDEVAN000  
ORIGINAL REQ # : 0000109586

**VENDOR:**  
MSB CONSULTING GROUP LLC  
1615 SCOTTSDALE DRIVE BLDG 2  
Ste 200c  
CEDAR PARK, TX 78641

PHONE: (800) 381-9813

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: VANESSA HARDEGREE

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		MISD MSB Consulting for SHARS (School Health and Related Services) for the 22-23 School Year. *****OPEN PO***** ***PLEASE RETURN PO TO V.HARDEGREE***  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER ACCOUNT AMOUNT 199 R 00 5931 00 000 0 00 000 100,000.00	100000.00000	100,000.00
			<b>PAGE TOTAL</b>	100,000.00
			<b>TOTAL</b>	100,000.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.



REQ DATE

06/28/2022

REQUISITION NUMBER

0000109455

PRINTED 06/28/2022

VENDOR KEY : GAGGLE 000  
SHIP DATE : 06/28/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : WORLEVAN000  
ORIGINAL REQ # : 0000109455

**VENDOR:**  
**GAGGLE**  
2205 E EMPIRE STE B  
BLOOMINGTON, IL 61704

**SHIP TO:**  
**MIDLOTHIAN I.S.D.**  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: VANYA WORLEY

Contract Nbr: Buyboard

Buyboard Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
7015	EACH	BOARD APPROVED >\$50K 7/18/2022 - BUYBOARD CONTRACT 661-22 Gaggle Safety - Management - Google - Student UNIT COST IS \$6.00/EACH WITH \$1.00/EACH DISCOUNT	5.00000	35,075.00
7015	EACH	Gaggle Safety Management - Google Hangouts - Student UNIT COST IS \$3.00/EACH WITH \$.25/EACH DISCOUNT PRICING PER QUOTE Q-111733  TECHNOLOGY - DISTRICT - SAFETY MANAGEMENT FOR STUDENTS RENEWAL  ***PLEASE SEND PO TO VANYA WORLEY - TECHNOLOGY - THANK YOU!***  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 53 6398 00 911 0 99 911 ACCOUNT AMOUNT 54,366.25  CommCode: Online Software Sub.	2.75000	19,291.25
			<b>PAGE TOTAL</b>	54,366.25
			<b>TOTAL</b>	54,366.25

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300001

PRINTED 06/30/2022  
\*REPRINTED PO\*

VENDOR KEY : SKYWARD 001  
SHIP DATE : 06/06/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000108950

**VENDOR:**  
SKYWARD ACCOUNTING DEPT  
2601 SKYWARD DR  
STEVENS POINT, WI 54482

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		FINANCIAL MANAGEMENT ANNUAL LICENSE FEE	9818.00000	9,818.00
1		TRUE TIME ANNUAL LICENSE FEE	4641.00000	4,641.00
1		PEIMS FINANCE ANNUAL LICENSE FEE	1594.00000	1,594.00
1		EMPLOYEE ACCESS ANNUAL LICENSE FEE	2096.00000	2,096.00
1		EMPLOYEE MANAGEMENT ANNUAL LICENSE FEE	2758.00000	2,758.00
1		PAYROLL ANNUAL LICENSE FEE	4416.00000	4,416.00
1		SALARY NEGOTIATIONS ANNUAL LICENSE FEE	1594.00000	1,594.00
1		SUBSTITUTE TRACKING ANNUAL LICENSE FEE	2209.00000	2,209.00
1		FAST TRACK ANNUAL LICENSE FEE	4657.00000	4,657.00
1		BUSINESS PROFESSIONAL DEVELOPMENT CENTER LICENSE FEE	1990.00000	1,990.00
		LICENSE FEE FOR THE PERIOD OF 07/01/22 - 06/30/23		
		****PLEASE DO NOT MAIL****		
		<b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b>		
		<b>ACCOUNT NUMBER</b>	<b>ACCOUNT AMOUNT</b>	
		199 E 53 6398 01 999 0 99 999	35,773.00	
		<b>CommCode:</b> Online Software Sub./Core Content		
			<b>PAGE TOTAL</b>	35,773.00
			<b>TOTAL</b>	35,773.00

Exempt from State and Federal Taxes  
FEIN 75-6002070

PURCHASE APPROVED BY:





REQ DATE

06/21/2022

REQUISITION NUMBER

0000109360

PRINTED 07/05/2022

VENDOR KEY : SKYWARD 000  
 SHIP DATE : 06/21/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : WORLEVAN000  
 ORIGINAL REQ # : 0000109360

**VENDOR:**  
 SKYWARD  
 2601 SKYWARD DR  
 ACCOUNTING DEPT.  
 STEVENS POINT, WI 54482

PHONE: (800) 236-7274

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

ATTN: VANYA WORLEY

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1	EACH	BOARD APPROVED >\$50K - JULY 2022 - STUDENT INFORMATION SYSTEMS (SIS) MANAGEMENT - QMLATIV RENEWAL 2022-23 - ANNUAL LICENSE FEES: 07/1/2022 - 6/30/2023		
1	EACH	STUDENT MANAGEMENT CORE ANNUAL LICENSE FEE	33609.00000	33,609.00
1	EACH	NEW STUDENT ENROLLMENT ANNUAL LICENSE FEE	5837.00000	5,837.00
1	EACH	FEE MANAGEMENT ANNUAL LICENSE FEE	4202.00000	4,202.00
1	EACH	ONEROSTER API WITH WRITEBACK ANNUAL LICENSE FEE	2547.00000	2,547.00
1	EACH	FAMILY ACCESS INTERFACE ANNUAL LICENSE FEE	2547.00000	2,547.00
		PRICING PER INVOICE 0000216123 DATED 7/01/2022		
		TECHNOLOGY - SIS		
		***PLEASE SEND PO TO VANYA WORLEY - TECHNOLOGY - THANK YOU!***		
		ACCOUNT SUMMARY (FOR INTERNAL USE)		
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 11 6398 00 911 0 11 911	48,742.00	
		CommCode: Online Software Sub.		
			<b>PAGE TOTAL</b>	48,742.00
			<b>TOTAL</b>	48,742.00

This is a Requisition and not an official Purchase Order.  
 The District is not financially responsible for the  
 unauthorized purchases made with a Requisition.

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER

7482300050

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109278

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 SPECIAL EDUCATION DEPARTMENT  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL***		
12		MONTHLY COPIER LEASE JULY 2022 - JUNE 2023	140.10000	1,681.20
12		MONTHLY COPIER LEASE JULY 2022 - JUNE 2023 - RANDALL HILL SUPPORT CENTER	204.00000	2,448.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 21 6269 00 849 0 23 849		4,129.20		
CommCode: Copy Machines				
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL	4,129.20
			TOTAL	4,129.20

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER

7482300049

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109277

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/ADMIN WKRM

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> 199 E 41 6269 00 750 0 99 750 <b>ACCOUNT AMOUNT</b> 1,681.20  <b>CommCode:</b> Copy Machines	140.10000	1,681.20
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b>	1,681.20
			<b>TOTAL</b>	1,681.20

PURCHASE APPROVED BY:

Business Office

<b>PO DATE</b>
<b>06/29/2022</b>

# PURCHASE ORDER

**INVOICE TO:**  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PRINTED 06/29/2022

<b>PURCHASE ORDER NUMBER</b>
<b>7482300048</b>

VENDOR KEY	: XEROX CO000
SHIP DATE	: 06/15/2022
FISCAL YEAR	: 2022-2023
ENTERED BY	: HERNAJES000
ORIGINAL REQ #	: 0000109276

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

**PHONE: (888) 339-7887**

ATTN: JESSICA HERNANDEZ/HR

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER ACCOUNT AMOUNT 199 E 41 6269 00 749 0 99 749 2,219.76  CommCode: Copy Machines	184.98000	2,219.76
			PAGE TOTAL	2,219.76
<b>Exempt from State and Federal Taxes</b> <b>FEIN 75-6002070</b>			TOTAL	2,219.76

**Exempt from State and Federal Taxes**  
**FEIN 75-6002070**

**PURCHASE APPROVED BY:**

**Business Office**

<b>PO DATE</b>
<b>06/29/2022</b>

# PURCHASE ORDER

**INVOICE TO:**  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PRINTED 06/29/2022

<b>PURCHASE ORDER NUMBER</b>	
<b>7482300047</b>	
VENDOR KEY	: XEROX CO000
SHIP DATE	: 06/15/2022
FISCAL YEAR	: 2022-2023
ENTERED BY	: HERNAJES000
ORIGINAL REQ #	: 0000109274

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
**RANDALL HILL SUPPORT CENTER**  
**315 EAST AVENUE E**  
**MIDLOTHIAN, TX 76065**

**PHONE: (888) 339-7887**

ATTN: JESSICA HERNANDEZ/RECORDS

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
12	0	<p>***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023</p> <p style="text-align: center;">ACCOUNT SUMMARY (FOR INTERNAL USE)</p> <div style="display: flex; justify-content: space-between;"> <span>ACCOUNT NUMBER 199 E 41 6269 00 745 0 99 745</span> <span>ACCOUNT AMOUNT 1,591.44</span> </div> <p>CommCode: Copy Machines</p>	132.62000	1,591.44
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b> <b>TOTAL</b>	1,591.44 1,591.44

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER

7482300046

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109273

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 LAURA JENKINS EARLY LEARNING ACADEMY  
 700 W AVENUE H  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/CHILD CARE

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 499 E 61 6269 00 880 0 99 000 1,681.20  <b>CommCode:</b> Copy Machines	140.10000	1,681.20
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b>	1,681.20
			<b>TOTAL</b>	1,681.20

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER

7482300045

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109272

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/ATHLETICS

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
	0	***PLEASE DO NOT MAIL***		
12		MONTHLY COPIER LEASE JULY 2022 - JUNE 2023 - MHS FIELD HOUSE	204.00000	2,448.00
12		MONTHLY COPIER LEASE JULY 2022 - JUNE 2023 - MHS SPORTS COMPLEX	165.94000	1,991.28
12		MONTHLY COPIER LEASE JULY 2022 - JUNE 2023 - HHS FIELD HOUSE	165.94000	1,991.28
12		MONTHLY COPIER LEASE JULY 2022 - JUNE 2023 - ATHLETIC OFFICE	119.40000	1,432.80
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
180 E 36 6269 00 850 0 91 850		7,863.36		
CommCode: Copy Machines				
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL	7,863.36
			TOTAL	7,863.36

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER

7482300044

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109271

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/AEP

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 199 E 11 6269 00 001 0 26 026 1,555.56  <b>CommCode:</b> Copy Machines	129.63000	1,555.56
			<b>PAGE TOTAL</b>	1,555.56
			<b>TOTAL</b>	1,555.56

Exempt from State and Federal Taxes  
 FEIN 75-6002070

PURCHASE APPROVED BY:

Business Office





PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300042

PRINTED 06/29/2022

VENDOR KEY : XEROX C0000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109269

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 MIDLOTHIAN HERITAGE HIGH SCHOOL  
 4000 FM 1387  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/BAND

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 199 E 36 6269 90 003 0 99 090 1,991.28  <b>CommCode:</b> Copy Machines	165.94000	1,991.28
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b>	1,991.28
			<b>TOTAL</b>	1,991.28

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER

7482300041

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109268

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 MIDLOTHIAN HERITAGE HIGH SCHOOL  
 4000 FM 1387  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 199 E 11 6269 00 003 0 11 003 9,423.12  <b>CommCode:</b> Copy Machines	785.26000	9,423.12
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b>	9,423.12
			<b>TOTAL</b>	9,423.12

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300040

PRINTED 06/29/2022

VENDOR KEY : XEROX C0000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109267

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 MEADOWS LIBRARY  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 170 E 12 6269 00 001 0 99 000  CommCode: Copy Machines	132.63000	1,591.56
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	1,591.56 1,591.56

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

## PURCHASE ORDER

INVOICE TO:  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300039

VENDOR KEY : XEROX CO000  
SHIP DATE : 06/15/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109266

PRINTED 06/29/2022

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
MHS BAND  
923 S 9TH ST  
MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 36 6269 90 001 0 99 090  CommCode: Copy Machines	184.98000	2,219.76
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	2,219.76 2,219.76

PURCHASE APPROVED BY:

Business Office









PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300035

VENDOR KEY : XEROX CO000  
SHIP DATE : 06/15/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109262

PRINTED 06/29/2022

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
FRANK SEALE MIDDLE SCHOOL  
700 GEORGE HOPPER R  
MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 11 6269 00 042 0 11 042  CommCode: Copy Machines	658.91000	7,906.92
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	7,906.92 7,906.92

Exempt from State and Federal Taxes  
FEIN 75-6002070

PURCHASE APPROVED BY:

Business Office

<b>PO DATE</b>
<b>06/29/2022</b>

# PURCHASE ORDER

**INVOICE TO:**  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

<b>PURCHASE ORDER NUMBER</b>
<b>7482300034</b>

VENDOR KEY	: XEROX CO000
SHIP DATE	: 06/15/2022
FISCAL YEAR	: 2022-2023
ENTERED BY	: HERNAJES000
ORIGINAL REQ #	: 0000109261

PRINTED 06/29/2022

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**PHONE: (888) 339-7887**

**SHIP TO:**  
**IRVIN ELEMENTARY\***  
 600 S 5TH ST  
 MIDLOTHIAN, TX 76065

ATTN: JESSICA HERNANDEZ

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
12		<b>***PLEASE DO NOT MAIL***</b> MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <div style="text-align: center;"><b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b></div> <div style="display: flex; justify-content: space-between;"> <span><b>ACCOUNT NUMBER</b></span> <span><b>ACCOUNT AMOUNT</b></span> </div> <div style="display: flex; justify-content: space-between;"> <span>199 E 11 6269 00 103 0 11 103</span> <span>8,157.12</span> </div> <b>CommCode:</b> Copy Machines	679.76000	8,157.12
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b> <b>TOTAL</b>	8,157.12 8,157.12

PURCHASE APPROVED BY:

**Business Office**

PO DATE

06/29/2022

## PURCHASE ORDER

INVOICE TO:  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300033

VENDOR KEY : XEROX C0000  
SHIP DATE : 06/15/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109260

PRINTED 06/29/2022

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
BAXTER ELEMENTARY SCHOOL  
1050 PARK PLACE  
MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 11 6269 00 104 0 11 104  CommCode: Copy Machines	863.60000	10,363.20
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	10,363.20 10,363.20

PURCHASE APPROVED BY:

Business Office

<b>PO DATE</b>
<b>06/29/2022</b>

# PURCHASE ORDER

**INVOICE TO:**  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

<b>PURCHASE ORDER NUMBER</b>
<b>7482300032</b>

VENDOR KEY	: XEROX CO000
SHIP DATE	: 06/15/2022
FISCAL YEAR	: 2022-2023
ENTERED BY	: HERNAJES000
ORIGINAL REQ #	: 0000109259

PRINTED 06/29/2022

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
**LONGBRANCH ELEMENTARY SCHOOL**  
 6631 FM 1387  
 MIDLOTHIAN, TX 76065

**PHONE: (888) 339-7887**

ATTN: JESSICA HERNANDEZ

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 199 E 11 6269 00 105 0 11 105                                6,233.76  <b>CommCode:</b> Copy Machines	519.48000	6,233.76
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b> <b>TOTAL</b>	6,233.76 6,233.76

PURCHASE APPROVED BY:

## Business Office

<b>PO DATE</b>
<b>06/29/2022</b>

PRINTED 06/29/2022

# PURCHASE ORDER

**INVOICE TO:**  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

<b>PURCHASE ORDER NUMBER</b>
<b>7482300031</b>

VENDOR KEY	: XEROX CO000
SHIP DATE	: 06/15/2022
FISCAL YEAR	: 2022-2023
ENTERED BY	: HERNAJES000
ORIGINAL REQ #	: 0000109258

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**PHONE: (888) 339-7887**

**SHIP TO:**  
MT PEAK ELEMENTARY SCHOOL  
5201 FM 663  
MIDLOTHIAN, TX 76065

ATTN: JESSICA HERNANDEZ

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022-JUNE 2023  <div style="text-align: center;">ACCOUNT SUMMARY (FOR INTERNAL USE)</div> <div>             ACCOUNT NUMBER<span style="float: right;">ACCOUNT AMOUNT</span>              199 E 11 6269 00 106 0 11 106<span style="float: right;">9,448.80</span> </div> CommCode: Copy Machines	787.40000	9,448.80
			<b>PAGE TOTAL</b>	9,448.80
Exempt from State and Federal Taxes FEIN 75-6002070			<b>TOTAL</b>	9,448.80

**PURCHASE APPROVED BY:**

**Business Office**



<b>PO DATE</b>
<b>06/29/2022</b>

# PURCHASE ORDER

**INVOICE TO:**  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PRINTED 06/29/2022

<b>PURCHASE ORDER NUMBER</b>
<b>7482300029</b>

VENDOR KEY	: XEROX CO000
SHIP DATE	: 06/15/2022
FISCAL YEAR	: 2022-2023
ENTERED BY	: HERNAJES000
ORIGINAL REQ #	: 0000109255

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
MCCLATCHEY ELEMENTARY  
6631 SHILOH RD  
MIDLOTHIAN, TX 76065

**PHONE: (888) 339-7887**

ATTN: JESSICA HERNANDEZ

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
3	0	<p>***PLEASE DO NOT MAIL***</p> <p>MONTHLY COPIER LEASE JULY 2022 - SEPTEMBER 2022</p> <p style="text-align: center;">ACCOUNT SUMMARY (FOR INTERNAL USE)</p> <div style="display: flex; justify-content: space-between;"> <span>ACCOUNT NUMBER</span> <span>ACCOUNT AMOUNT</span> </div> <div style="display: flex; justify-content: space-between;"> <span>199 E 11 6269 00 109 0 11 109</span> <span>2,162.94</span> </div> <p>CommCode: Copy Machines</p>	720.98000	2,162.94
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b> <b>TOTAL</b>	2,162.94 2,162.94

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300028

VENDOR KEY : XEROX C0000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109253

PRINTED 06/29/2022

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 LARUE MILLER ELEMENTARY  
 2800 SUDITH LANE  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER                      ACCOUNT AMOUNT 199 E 11 6269 00 108 0 11 108                      8,710.92  CommCode: Copy Machines	725.91000	8,710.92
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b>	8,710.92
			<b>TOTAL</b>	8,710.92

PURCHASE APPROVED BY:

Business Office



PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300027

PRINTED 06/29/2022

VENDOR KEY : XEROX CO000  
 SHIP DATE : 06/15/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109252

**VENDOR:**  
 XEROX CORPORATION  
 PO BOX 731892  
 DALLAS, TX 75373-1892

**SHIP TO:**  
 RANDALL HILL SUPPORT CENTER  
 315 EAST AVENUE E  
 MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/MAINT/FOOD SERVICE

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022 - JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE)  ACCOUNT NUMBER 199 E 51 6269 00 903 0 99 903 240 E 35 6269 01 900 0 99 000  CommCode: Copy Machines	132.62000	1,591.44
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	1,591.44 1,591.44

Exempt from State and Federal Taxes  
 FEIN 75-6002070

PURCHASE APPROVED BY:

Business Office

PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
Midlothian ISD  
Attn: Accounts Payable  
100 Walter Stephenson Rd  
Midlothian, TX 76065  
469-856-5000  
accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

7482300026

VENDOR KEY : XEROX C000  
SHIP DATE : 06/15/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109251

PRINTED 06/29/2022

**VENDOR:**  
XEROX CORPORATION  
PO BOX 731892  
DALLAS, TX 75373-1892

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (888) 339-7887

ATTN: JESSICA HERNANDEZ/TRANSPORATION

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12	0	***PLEASE DO NOT MAIL*** MONTHLY COPIER LEASE JULY 2022-JUNE 2023  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 34 6269 00 901 0 99 901  CommCode: Copy Machines	132.63000	1,591.56
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	1,591.56 1,591.56

PURCHASE APPROVED BY:

Business Office

PO DATE
06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PRINTED 06/29/2022

PURCHASE ORDER NUMBER
7482300012

VENDOR KEY : METHODIS000  
 SHIP DATE : 06/06/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000108981

**VENDOR:**  
 METHODIST MEDICAL GROUP  
 3400 W WHEATLAND STE 460A  
 DALLAS, TX 75237

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		Annual Fees for Midlothian Express Care Clinic paid monthly Per Contract with Methodist Medical Group  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 41 6299 00 999 0 99 999  CommCode: Contracted Services	170000.00000	170,000.00
Exempt from State and Federal Taxes FEIN 75-6002070			PAGE TOTAL TOTAL	170,000.00 170,000.00

PURCHASE APPROVED BY:

Business Office

REQ DATE

06/06/2022

REQUISITION NUMBER

0000108976

PRINTED 06/30/2022

VENDOR KEY : ELLISCOU000  
SHIP DATE : 06/06/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000108976

**VENDOR:**  
ELLIS APPRAISAL DISTRICT  
PO BOX 878  
WAXAHACHIE, TX 75168

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		EAD Budget Allocation Quarterly Payments due on or before: October 1, 2022	178020.34000	178,020.34
3		EAD Budget Allocation Quarterly Payments due on or before: January 1, 2023, April 1, 2023, July 1, 2023 ****PLEASE DO NOT MAIL****	223470.40000	670,411.20
ACCOUNT SUMMARY (FOR INTERNAL USE)				
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 99 6213 00 703 0 99 703	848,431.54	
			<b>PAGE TOTAL</b>	848,431.54
			<b>TOTAL</b>	848,431.54

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

REQ DATE

06/30/2022

REQUISITION NUMBER

0000109560

PRINTED 06/30/2022

VENDOR KEY : NORTH AM000  
SHIP DATE : 06/30/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : ANDRLMAR000  
ORIGINAL REQ # : 0000109560

**VENDOR:**  
NORTH AMERICAN SOLUTIONS  
12300 DUNDEE COURT STE 112  
CYPRESS, TX 77429

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: MARIE ANDRLE

Contract Nbr: PCAT

Property Casualty Alliance of Texas

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		****Please Do Not Mail**** Insurance Coverage from 9/1/2022 to 8/31/2023 - including Property, General Liability, Equipment Breakdown, Employee Benefits Liability, Educator's Legal Liability, Cyber Suite, Auto Liability & Auto Physical Damage  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBERACCOUNT AMOUNT 199 E 34 6429 97 901 0 99 999140,192.00 199 E 41 6429 97 702 0 99 99948,821.00 199 E 51 6428 97 903 0 99 99918,899.00 199 E 51 6429 97 903 0 99 9991,444,913.00  CommCode: Insurance Coverages	1652825.00000	1,652,825.00
			PAGE TOTAL	1,652,825.00
			TOTAL	1,652,825.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

REQ DATE

06/30/2022

REQUISITION NUMBER

0000109236

PRINTED 06/30/2022

VENDOR KEY : NORTH AM000  
SHIP DATE : 06/15/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109236

**VENDOR:**  
NORTH AMERICAN SOLUTIONS  
12300 DUNDEE COURT STE 112  
CYPRESS, TX 77429

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: MARIE ANDRLE

Contract Nbr: PCAT

Property Casualty Alliance of Texas

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT				
1		<p>Commercial Inland Marine insurance policy to cover MISD Marquees at the following campuses: Midlothian High Heritage High Frank Seale Middle School Walnut Grove Middle School Dieterich Middle School Irvin Elementary Baxter Elementary Longbranch Elementary Mt. Peak Elementary Vitovsky Elementary Miller Elementary McClatchey Elementary Coleman Elementary ***Please return PO to Jessica***</p> <p>ACCOUNT SUMMARY (FOR INTERNAL USE)</p> <table><tr><td>ACCOUNT NUMBER</td><td>ACCOUNT AMOUNT</td></tr><tr><td>199 E 51 6429 97 903 0 99 999</td><td>12,000.00</td></tr></table> <p>CommCode: Insurance Coverages</p>	ACCOUNT NUMBER	ACCOUNT AMOUNT	199 E 51 6429 97 903 0 99 999	12,000.00	12000.00000	12,000.00
ACCOUNT NUMBER	ACCOUNT AMOUNT							
199 E 51 6429 97 903 0 99 999	12,000.00							
			PAGE TOTAL	12,000.00				
			TOTAL	12,000.00				

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

<b>REQ DATE</b>
<b>06/29/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109535</b>

PRINTED 06/29/2022

VENDOR KEY : CITYOM 000  
SHIP DATE : 06/29/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109535

**VENDOR:**  
CITY OF MIDLOTHIAN  
104 W AVE E  
MIDLOTHIAN, TX 76065

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (972) 775-7162

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		ATHLETICS/GAMES- SRO	72000.00000	72,000.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 52 6299 00 910 0 99 910	72,000.00	
			<b>PAGE TOTAL</b>	72,000.00
			<b>TOTAL</b>	72,000.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

<b>REQ DATE</b>
<b>06/29/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109537</b>

PRINTED 06/29/2022

VENDOR KEY : CITYOM 000  
SHIP DATE : 06/29/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109537

**VENDOR:**  
CITY OF MIDLOTHIAN  
104 W AVE E  
MIDLOTHIAN, TX 76065

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (972) 775-7162

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		SRO-Overtime and Additional Pay	50000.00000	50,000.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 52 6299 00 910 0 99 910	50,000.00	
			<b>PAGE TOTAL</b>	50,000.00
			<b>TOTAL</b>	50,000.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.



PO DATE

06/29/2022

**PURCHASE ORDER**

INVOICE TO:  
 Midlothian ISD  
 Attn: Accounts Payable  
 100 Walter Stephenson Rd  
 Midlothian, TX 76065  
 469-856-5000  
 accounts\_payable@misd.gs

PURCHASE ORDER NUMBER

9102300004

PRINTED 06/29/2022

VENDOR KEY : CITYOM 000  
 SHIP DATE : 06/29/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : HERNAJES000  
 ORIGINAL REQ # : 0000109538

**VENDOR:**  
 CITY OF MIDLOTHIAN  
 104 W AVE E  
 MIDLOTHIAN, TX 76065

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (972) 775-7162

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		Traffic Control/ Residency/OT	70000.00000	70,000.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 52 6299 00 910 0 99 910	70,000.00	
Exempt from State and Federal Taxes FEIN 75-6002070			<b>PAGE TOTAL</b>	70,000.00
			<b>TOTAL</b>	70,000.00

PURCHASE APPROVED BY:

Business Office

<b>REQ DATE</b>
<b>06/30/2022</b>

PRINTED 07/05/2022

<b>REQUISITION NUMBER</b>
<b>0000109502</b>

VENDOR KEY : FRONTDAT000  
SHIP DATE : 06/28/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HARDEVAN000  
ORIGINAL REQ # : 0000109502

**VENDOR:**  
FRONTLINE TECHNOLOGIES GROUP LLC  
PO BOX 780577  
PHILADELPHIA, PA 19178-0577

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (610) 727-0438 FAX: (610) 363-3710

ATTN: VANESSA HARDEGREE

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		MISD Frontline Computer Software Application: IEP- eStar v5, unlimited usage for internal employees for the 22-23 School Year. ***PLEASE RETURN PO TO V.HARDEGREE***  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBERACCOUNT AMOUNT 199 E 31 6398 00 849 0 23 84931,679.91	31679.91000	31,679.91
			PAGE TOTAL	31,679.91
			TOTAL	31,679.91

**This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.**

REQ DATE

06/21/2022

REQUISITION NUMBER

0000109226

PRINTED 07/06/2022

VENDOR KEY : FRONTDAT000  
SHIP DATE : 06/14/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : MEIGSMEL000  
ORIGINAL REQ # : 0000109226

**VENDOR:**  
FRONTLINE TECHNOLOGIES GROUP LLC  
PO BOX 780577  
PHILADELPHIA, PA 19178-0577

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (610) 727-0438 FAX: (610) 363-3710

ATTN: MELODY MEIGS

Contract Nbr: ESC Region Serv Center Educational Service Center

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		Frontline Education 22-23 Annual Renewal Technology for K-12 NCPA 01-102 Region 14 Exp 11/30/2022		
		Annual Subscription - ELL/LPAC - eStar, unlimited usage for internal employees	4871.23000	4,871.23
1		Annual Subscription - RTI - eStar, unlimited usage for internal employees	6089.04000	6,089.04
		Return P/O to Melody Meigs		
		NOTE: Pending final disposition of quote - number may change in August		
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 11 6398 00 870 0 11 870		10,960.27		
CommCode: Online Software Sub.				
			PAGE TOTAL	10,960.27
			TOTAL	10,960.27

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

REQ DATE

06/22/2022

REQUISITION NUMBER

0000109371

PRINTED 06/30/2022

VENDOR KEY : FRONTDAT000  
SHIP DATE : 06/22/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : WORLEVAN000  
ORIGINAL REQ # : 0000109371

**VENDOR:**  
FRONTLINE TECHNOLOGIES GROUP LLC  
PO BOX 780577  
PHILADELPHIA, PA 19178-0577

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (610) 727-0438 FAX: (610) 363-3710

ATTN: VANYA WORLEY

Contract Nbr: NCPA

National Cooperative Purchasing Alliance

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1	EACH	NCPA 01-102 REGION 14 EXPIRES 11/30/22 - BOARD APPROVED >\$50k - JULY 18, 2022 Absence & Substitute Management, unlimited usage for internal employees - 7/1/2022 - 6/30/2023 PRICING PER INVOICE #INVUS163523 DATED 7/1/2022  TECHNOLOGY - DISTRICT - STAFF  ***PLEASE SEND PO TO VANYA WORLEY - TECHNOLOGY - THANK YOU!***  <b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b> <b>ACCOUNT NUMBER</b> <b>ACCOUNT AMOUNT</b> 199 E 11 6398 00 911 0 11 911 19,853.89  <b>CommCode:</b> Online Software Sub.	19853.89000	19,853.89
			<b>PAGE TOTAL</b>	19,853.89
			<b>TOTAL</b>	19,853.89

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

REQ DATE

06/30/2022

REQUISITION NUMBER

0000109503

PRINTED 07/05/2022

VENDOR KEY : REGION X007  
SHIP DATE : 06/28/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HARDEVAN000  
ORIGINAL REQ # : 0000109503

**VENDOR:**  
REGION X - BUSINESS SERVICES  
400 E SPRING VALLEY RD  
RICHARDSON, TX 75081

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

PHONE: (972) 348-1120

ATTN: VANESSA HARDEGREE

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		MISD Region 10 Business Services: Orientation & Mobility (O/M) for our Visually Impaired Students for the 22-23 School Year. *****OPEN PO***** ***PLEASE RETURN PO TO V.HARDEGREE***  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER ACCOUNT AMOUNT 224 E 11 6239 00 849 0 23 000 100,000.00	100000.00000	100,000.00
			<b>PAGE TOTAL</b>	100,000.00
			<b>TOTAL</b>	100,000.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

<b>REQ DATE</b>
<b>06/22/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109372</b>

PRINTED 07/05/2022

**VENDOR KEY** : REGION X007  
**SHIP DATE** : 06/22/2022  
**FISCAL YEAR** : 2022-2023  
**ENTERED BY** : WORLEVAN000  
**ORIGINAL REQ #** : 0000109372

**VENDOR:**  
REGION X - BUSINESS SERVICES  
400 E SPRING VALLEY RD  
RICHARDSON, TX 75081

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

**PHONE: (972) 348-1120**

ATTN: VANYA WORLEY

<b>QUANTITY</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEMS OR MATERIALS</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
12	EACH	BOARD APPROVED >\$50K - JULY 18, 2022 - DISTRICT MAINTENANCE/TECHNOLOGY FIBER NETWORK - YEARLY RENEWAL MONTHLY RECURRING CHARGE - CIRCUIT #88 - ANNUAL BILLING SERVICE DURATION: 9/1/22 - 8/31/22 PRICING PER QUOTE 2022-2023 DATED 5/23/2022  ***PLEASE SEND PO TO VANYA WORLEY - TECHNOLOGY - THANK YOU!***  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER                      ACCOUNT AMOUNT 199 E 51 6239 00 903 0 99 903                      33,000.00  CommCode: Utility Service	2750.00000	33,000.00
			PAGE TOTAL	33,000.00
			TOTAL	33,000.00

**This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.**

REQ DATE

06/28/2022

REQUISITION NUMBER

0000109337

PRINTED 07/07/2022

VENDOR KEY : REGION X007  
 SHIP DATE : 06/20/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : WAYLASHA000  
 ORIGINAL REQ # : 0000109337

**VENDOR:**  
 REGION X - BUSINESS SERVICES  
 400 E SPRING VALLEY RD  
 RICHARDSON, TX 75081

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (972) 348-1120

ATTN: SHANNON WAYLAND

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		Docunav/Laserfiche Services		
75		Annual Fee- Docunav/Laserfiche Services	8000.00000	8,000.00
9		Educational Licenses (year 3)	10.00000	750.00
		Full users ( year 3)	500.00000	4,500.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 41 6239 02 749 0 99 749		13,250.00		
			<b>PAGE TOTAL</b>	13,250.00
			<b>TOTAL</b>	13,250.00

This is a Requisition and not an official Purchase Order.  
 The District is not financially responsible for the  
 unauthorized purchases made with a Requisition.

REQ DATE

06/20/2022

REQUISITION NUMBER

0000108906

PRINTED 07/07/2022

VENDOR KEY : REGION X007  
 SHIP DATE : 06/06/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : MEIGSMEL000  
 ORIGINAL REQ # : 0000108906

**VENDOR:**  
 REGION X - BUSINESS SERVICES  
 400 E SPRING VALLEY RD  
 RICHARDSON, TX 75081

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (972) 348-1120

ATTN: MELODY MEIGS

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		Annual Renewal Early Education Specialized Svc Agreement Coaching Annual Renewal Early Education Specialized Svc Agreement Coaching  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER 199 E 13 6239 00 866 0 36 866  CommCode: Administrative Contracted Services	24800.00000	24,800.00
			PAGE TOTAL	24,800.00
			TOTAL	24,800.00

This is a Requisition and not an official Purchase Order.  
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 unauthorized purchases made with a Requisition.



<b>REQ DATE</b>
<b>07/07/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109707</b>

PRINTED 07/07/2022

VENDOR KEY : LONGHORN003  
SHIP DATE : 07/07/2022  
FISCAL YEAR : 2021-2022  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109707

**VENDOR:**  
LONGHORN BUS SALES  
9100 N LOOP EAST  
HOUSTON, TX 77029

**SHIP TO:**  
AUXILIARY CENTER  
601 E AVENUE E  
MIDLOTHIAN, TX 76065

PHONE: (713) 631-9306

ATTN: JESSICA HERNANDEZ

Contract Nbr: Buyboard

Buyboard Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1	EACH	Model: C2608 Conventional ("2023") Model: PB105 ("2023")	124185.00000	124,185.00
1		Body Manufacturer: IC Corp Chassis Manufacturer: IC Corp		
		Buyboard Fee	800.00000	800.00
<b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b>				
		<b>ACCOUNT NUMBER</b>	<b>ACCOUNT AMOUNT</b>	
		282 E 34 6631 01 999 0 23 000	124,985.00	
			<b>PAGE TOTAL</b>	124,985.00
			<b>TOTAL</b>	124,985.00

This is a Requisition and not an official Purchase Order.  
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unauthorized purchases made with a Requisition.

REQ DATE

07/07/2022

PAGE 1 OF 1

REQUISITION NUMBER

0000109690

PRINTED 07/07/2022

VENDOR KEY : LONGHORN003  
SHIP DATE : 07/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109690

**VENDOR:**  
LONGHORN BUS SALES  
9100 N LOOP EAST  
HOUSTON, TX 77029

**SHIP TO:**  
AUXILIARY CENTER  
601 E AVENUE E  
MIDLOTHIAN, TX 76065

PHONE: (713) 631-9306

ATTN: JESSICA HERNANDEZ

Contract Nbr: Buyboard

Buyboard Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
2		Model: C3411 Conventional ("2023") Model: PB105 ("2023")	120458.00000	240,916.00
		Body Manufacturer: IC Corp Chassis Manufacturer: IC Corp		
1		Buyboard Fee	800.00000	800.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
283 E 34 6631 01 999 0 99 000		241,716.00		
			<b>PAGE TOTAL</b>	241,716.00
			<b>TOTAL</b>	241,716.00

This is a Requisition and not an official Purchase Order.  
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unauthorized purchases made with a Requisition.

REQ DATE

06/07/2022

REQUISITION NUMBER

0000109042

PRINTED 07/06/2022

VENDOR KEY : COLLEGE 004  
 SHIP DATE : 06/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : MEIGSMEL000  
 ORIGINAL REQ # : 0000109042

**VENDOR:**  
 COLLEGE BOARD  
 ATTN: FINANCE SRS  
 PO BOX 30171  
 NEW YORK, NY 10087-0171

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

ATTN: MELODY MEIGS

Contract Nbr: EPCNT Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		EPCNT - White Settlement ISD 1718-009-2022-1 exp 8/30/22		
1		AP Test Materials - May 2023 AP Test Administration- High Schools: MHS & HHS 11th Grades		
		MHS: Estimated 10% growth: \$80,616.00	80616.00000	80,616.00
		HHS: Estimated 10% growth: \$53,245.00	53245.00000	53,245.00
		NOTE: Pending budget TF		
<b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b>				
		<b>ACCOUNT NUMBER</b>	<b>ACCOUNT AMOUNT</b>	
		199 E 11 6339 00 001 0 38 000		80,611.09
		199 E 11 6339 00 003 0 38 000		53,245.00
		<b>CommCode:</b> Testing Materials		
			<b>PAGE TOTAL</b>	133,861.00
			<b>TOTAL</b>	133,861.00

This is a Requisition and not an official Purchase Order.  
 The District is not financially responsible for the  
 unauthorized purchases made with a Requisition.

REQ DATE

06/07/2022

REQUISITION NUMBER

0000109071

PRINTED 07/06/2022

VENDOR KEY : COLLEGE 004  
SHIP DATE : 06/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : MEIGSMEL000  
ORIGINAL REQ # : 0000109071

**VENDOR:**  
COLLEGE BOARD  
ATTN: FINANCE SRS  
PO BOX 30171  
NEW YORK, NY 10087-0171

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: MELODY MEIGS

Contract Nbr: EPCNT

Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
383		College Board Contracted Test Materials for SAT w/o Essay Test		
470		Administration for MHS and HHS		
		EPCNT - White Settlement ISD 1718-009-2022-1 exp		
		8/30/22		
		Heritage SAT SD Volume-Based Without Essay - 11th Grade	37.00000	14,171.00
		Midlothian HS SAT SD Volume-Based Without Essay - 11th Grade	37.00000	17,390.00
		Please return P/O to Melody Meigs		
		Note - pending budget transfer to cover HHS deficit		
		<b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b>		
		<b>ACCOUNT NUMBER</b>	<b>ACCOUNT AMOUNT</b>	
		199 E 11 6339 00 001 0 11 870	22,092.70	
		199 E 11 6339 00 003 0 11 870	9,468.30	
		<b>CommCode:</b> Testing Materials		
			<b>PAGE TOTAL</b>	31,561.00
			<b>TOTAL</b>	31,561.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

REQ DATE

06/07/2022

REQUISITION NUMBER

0000109052

PRINTED 07/06/2022

VENDOR KEY : COLLEGE 004  
 SHIP DATE : 06/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : MEIGSMEL000  
 ORIGINAL REQ # : 0000109052

**VENDOR:**  
 COLLEGE BOARD  
 ATTN: FINANCE SRS  
 PO BOX 30171  
 NEW YORK, NY 10087-0171

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

ATTN: MELODY MEIGS

Contract Nbr: EPCNT

Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
383		EPCNT - White Settlement ISD 1718-009-2022-1 exp 8/30/22		
470		College Board Contracted Test Materials PSAT/NMSQT MHS/HHS 11th Graders		
		Heritage HS PSAT/NMSQT EPP Fixed Fee -11th Grade	14.00000	5,362.00
		Midlothian HS PSAT/NMSQT EPP Fixed Fee -11th Grade	14.00000	6,580.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 11 6339 00 001 0 38 000		6,580.00		
199 E 11 6339 00 003 0 38 000		5,362.00		
CommCode: Testing Materials				
			PAGE TOTAL	11,942.00
			TOTAL	11,942.00

This is a Requisition and not an official Purchase Order.  
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 unauthorized purchases made with a Requisition.

<b>REQ DATE</b>
<b>06/21/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109058</b>

PRINTED 07/06/2022

VENDOR KEY : COLLEGE 004  
SHIP DATE : 06/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : MEIGSMEL000  
ORIGINAL REQ # : 0000109058

**VENDOR:**  
COLLEGE BOARD  
ATTN: FINANCE SRS  
PO BOX 30171  
NEW YORK, NY 10087-0171

**SHIP TO:**  
MIDLOTHIAN I.S.D.  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: MELODY MEIGS

Contract Nbr: EPCNT

Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
		EPCNT - White Settlement ISD 1718-009-2022-1 exp 8/30/22		
265		College Board Test Materials PSAT 8/9 MS for DMS, FSMS & WGMS		
332		FSMS PSAT 8/9 EPP Fixed Fee - 8th Grade	11.00000	2,915.00
299		WGMS PSAT 8/9 EPP Fixed Fee - 8th Grade	11.00000	3,652.00
		DMS PSAT 8/9 EPP Fixed Fee - 8th Grade	11.00000	3,289.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 11 6339 00 042 0 38 000		2,915.00		
199 E 11 6339 00 044 0 38 000		3,652.00		
199 E 11 6339 00 045 0 38 000		3,289.00		
CommCode: Testing Materials				
PAGE TOTAL				9,856.00
TOTAL				9,856.00

This is a Requisition and not an official Purchase Order.  
The District is not financially responsible for the  
unauthorized purchases made with a Requisition.

<b>REQ DATE</b>
<b>06/21/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109061</b>

PRINTED 07/06/2022

VENDOR KEY : COLLEGE 004  
SHIP DATE : 06/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : MEIGSMEL000  
ORIGINAL REQ # : 0000109061

**VENDOR:**  
**COLLEGE BOARD**  
ATTN: FINANCE SRS  
PO BOX 30171  
NEW YORK, NY 10087-0171

**SHIP TO:**  
**MIDLOTHIAN I.S.D.**  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: MELODY MEIGS

Contract Nbr: EPCNT Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
434		College Board Test Materials for PSAT 8/9 for HS		
551		EPCNT - White Settlement ISD 1718-009-2022-1 exp 8/30/22		
		Heritage HS PSAT 8/9 EPP Fixed Fee 9th Grade	11.00000	4,774.00
		Midlothian HS PSAT 8/9 EPP Fixed Fee 9th Grade	11.00000	6,061.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 11 6339 00 001 0 38 000		6,061.00		
199 E 11 6339 00 003 0 38 000		4,774.00		
CommCode: Testing Materials				
			PAGE TOTAL	10,835.00
			TOTAL	10,835.00

This is a Requisition and not an official Purchase Order.  
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unauthorized purchases made with a Requisition.

REQ DATE

06/16/2022

REQUISITION NUMBER

0000109312

PRINTED 07/07/2022

VENDOR KEY : CURRIASS001  
 SHIP DATE : 06/16/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : MEIGSMEL000  
 ORIGINAL REQ # : 0000109312

**VENDOR:**  
 CURRICULUM ASSOCIATES INC  
 153 RANGEWAY ROAD  
 NORTH BILLERICA, MA 01862

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (800) 225-0248 FAX: (508) 667-5706

ATTN: MELODY MEIGS

Contract Nbr: EPCNT

Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
		ESSER Funded Annual Renewal 22-23 Curriculum Associates iReady Learning for Elementary & Middle Schools EPCNT Cedar Hill ISD Exp 6/30/23		
2		iReady Learning Teacher Toolbox 28427.0 801-1,200 students Access Math & Reading + Writing for DMS, WGMS	8347.00000	16,694.00
7		iReady Learning Teacher Toolbox 28426.0 501-800 students Access Math & Reading + Writing for DME, FSMS, JAV, Irvin, Longbranch, Mt Peak, Baxter	6732.00000	47,124.00
2		iReady Learning Teacher Toolbox 28425.0 351-500 students Access Math & Reading + Writing for Coleman, Miller	5865.00000	11,730.00
2		iReady Learning Teacher Toolbox Access Texas Think Up Science 33836.0 801-1,200 students for DMS, WGMS	2086.75000	4,173.50
7		iReady Learning Teacher Toolbox Access Texas ThinkUp Science 33835.0 501-800 students for DME, FSMS, JAV, Irvin, Longbranch, Mt Peak, Baxter	1683.00000	11,781.00
2		iReady Learning Teacher Toolbox Access Texas Think Up Science 33834.0 351-500 students for Coleman, Miller Please Return P/O to Melody Meigs	1466.25000	2,932.50
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
283 E 11 6398 00 999 0 11 000		94,435.00		
CommCode: Instructional Materials				
PAGE TOTAL			94,435.00	
TOTAL			94,435.00	

This is a Requisition and not an official Purchase Order.  
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 unauthorized purchases made with a Requisition.



REQ DATE
06/06/2022

REQUISITION NUMBER
0000108958

PRINTED 07/06/2022

VENDOR KEY : INSTRUCT000  
SHIP DATE : 06/06/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : MEIGSMEL000  
ORIGINAL REQ # : 0000108958

**VENDOR:**  
**INSTRUCTURE INC**  
6330 SOUTH 3000 EAST STE 700  
SALT LAKE CITY, UT 84121-6237

**SHIP TO:**  
**MIDLOTHIAN I.S.D.**  
100 WALTER STEPHENSON ROAD  
MIDLOTHIAN, TX 76065

ATTN: MELODY MEIGS

Contract Nbr: OMNIA Partners National IPA, TCPN, US Communities

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		Online Canvas Cloud Subscription License Renewal for 22/23 ONNIA Partners R201402 exp 3/31/24 Subscription Renewal	65648.00000	65,648.00
		<b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b>		
		<b>ACCOUNT NUMBER</b> 199 E 11 6398 82 870 0 11 870		<b>ACCOUNT AMOUNT</b> 65,648.00
		<b>CommCode:</b> Online Software Sub./Core Content		
			<b>PAGE TOTAL</b>	65,648.00
			<b>TOTAL</b>	65,648.00

This is a Requisition and not an official Purchase Order.  
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unauthorized purchases made with a Requisition.

REQ DATE

07/07/2022

REQUISITION NUMBER

0000109723

PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESSE002  
 ORIGINAL REQ # : 0000109723

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: STG. GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
		MHS-JROTC Program -Stg Guy GSA GS-07F-235CA exp 9/30/25		
50		Army Dress Blue Male Enlisted Polyester Coat UPC: 720345463895 SR#: AR/M3E-26A GSA#: GSA375494 FEDMALL#: MS375494 Keyword: SR170	139.00000	6,950.00
50		Army Dress Blue Female Enlisted Polyester Coat UPC: 720345753323 SR#: AR/F3E-04A GSA#: GSA359602 FEDMALL#: MS359602 Keyword: SR176	135.00000	6,750.00
50		Male Army Gray Long Sleeve Shirt UPC: 720345141588 SR#: RC-SH-100ML-025 GSA#: GSA148254 FEDMALL#: MS148254 Keyword: SR172	34.50000	1,725.00
50		Female Army Gray Long Sleeve Tuck-In Blouse UPC: 720345739532 SR#: RC-SH-100FL-04A GSA#: GSA345809 FEDMALL#: MS345809 Keyword: SR178	34.50000	1,725.00
50		Male Army Gray Short Sleeve Shirt UPC: 720345160114 SR#: RC-SH-100MS-11 Keyword: SR173	32.50000	1,625.00
50		Female Army Gray Short Sleeve Tuck-In Blouse UPC: 720345758274 SR#: RC-SH-100FS-04A GSA#: GSA359724 FEDMALL#: MS359724 Keyword: SR179	32.50000	1,625.00
200		Custom Scorpion Name Tape with Fastener Embroidered UPC: 720345258996 SR#: EMB-194 GSA#: GSA191463 FEDMALL#: MS191463 Keyword: SR105	2.70000	540.00
50		Army Dress Blue Female Enlisted Polyester Trousers UPC: 720345757840 SR#: AR/F3PB/NB-04B GSA#: GSA359678 FEDMALL#: MS359678 Keyword: SR177	49.00000	2,450.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	23,390.00
			<b>TOTAL</b>	55,880.00

This is a Requisition and not an official Purchase Order.  
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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109723

PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESSE002  
 ORIGINAL REQ # : 0000109723

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: STG. GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
50		Army Dress Blue Male Enlisted Polyester Trousers UPC: 720345302125 SR#: AR/M3PB/NB-30B GSA#: GSA206991 FEDMALL#: MS206991 Keyword: SR171	49.00000	2,450.00
100		Men's Black Shiny Dress Shoe UPC: 720345738856 SR#: SHOE-SR/M101-06.0D GSA#: GSA241030 FEDMALL#: MS241030 Keyword: SR186	64.00000	6,400.00
100		OCP Scorpion Coat (Shirt) UPC: 210703000010 SR#: OCP Coat-07	64.50000	6,450.00
100		OCP Scorpion Trouser 50-50 Nylon-Cotton Ripstop UPC: 206810000012 SR#: OCP Trouser-07	64.50000	6,450.00
100		OCP Patrol Cap with Map Pocket UPC: 203645000019 SR#: OCP CAP-12	12.95000	1,295.00
100		1SG Bagby Green Leadership Patch with Fastener UPC: 720345471692 SR#: RC-PMV-001 Keyword: OCPPMV101	2.50000	250.00
100		Army ROTC Scorpion Rank, Cadet Private UPC: 720345471234 SR#: RC-SV-301 Keyword: OCPROTC	2.00000	200.00
100		ROTC Black Metal (RC-B108) First Sergeant UPC: 720345261088 SR#: RC-B108 GSA#: GSA10651 FEDMALL#: MS10651 Keyword: SR142	3.00000	300.00
100		GI Type V-Max Lightweight Tactical Coyote Boot 5366 UPC: 206135025127 SR#: BOOT-R/5366-10 *****WE WILL NOT ORDER UNTIL SCHOOL STARTS*****	86.95000	8,695.00
<p style="text-align: center;"><b>ACCOUNT SUMMARY (FOR INTERNAL USE)</b></p> <p><b>ACCOUNT NUMBER</b> <span style="float: right;"><b>ACCOUNT AMOUNT</b></span></p>				
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	32,490.00
			<b>TOTAL</b>	55,880.00

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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109723

PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESSE002  
 ORIGINAL REQ # : 0000109723

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: STG. GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
		199 E 11 6399 00 870 0 38 870	52,286.00	
		199 E 11 6399 00 999 0 38 999	3,594.00	
		CommCode: Apparel Uniforms (JROTC)		
			<b>PAGE TOTAL</b>	0.00
			<b>TOTAL</b>	55,880.00

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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109710

PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONES SHE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
		MHS-JROTC Program -Stg Guy GSA GS-07F-235CA exp 9/30/25		
75		No-Shine Army ROTC Rank Private-Gold UPC: 720345106082 SR#: RC-101 GSA#: GSA10607 FEDMALL#: MS10607 Keyword: SR142	2.25000	168.75
50		No-Shine Army ROTC Rank (RC-102) Private First Class Polished Gold UPC: 720345221020 SR#: RC-102 GSA#: GSA10635 FEDMALL#: MS10635 Keyword: SR142	2.75000	137.50
50		No-Shine Army ROTC Rank (RC-103) Corporal. Polished Gold UPC: 720345220139 SR#: RC-103 GSA#: GSA10636 FEDMALL#: MS10636 Keyword: SR142	3.00000	150.00
50		No-Shine Army ROTC Rank (RC-104) Sergeant Gold UPC: 720345671191 SR#: RC-104 GSA#: GSA10637 FEDMALL#: MS10637 Keyword: SR142	3.25000	162.50
50		No-Shine Army ROTC Rank (RC-105) Staff Sergeant Gold UPC: 720345671207 SR#: RC-105 GSA#: GSA10638 FEDMALL#: MS10638 Keyword: SR142	3.25000	162.50
25		No-Shine Army ROTC Rank (RC-106) Sergeant First Class Gold UPC: 720345671214Gold SR#: RC-106 GSA#: GSA10639 FEDMALL#: MS10639 Keyword: SR142	3.25000	81.25
25		No-Shine Army ROTC Rank (RC-107) Master Sergeant Gold UPC: 720345671221 SR#: RC-107 GSA#: GSA10640 FEDMALL#: MS10640 Keyword: SR142	3.50000	87.50
20		No-Shine Army ROTC Rank (RC-108) First Sergeant polished Gold UPC: 720345671238 SR#: RC-108 GSA#: GSA10641 FEDMALL#: MS10641 Keyword: SR142	3.75000	75.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	1,025.00
			<b>TOTAL</b>	15,409.87

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PAGE 2 OF 13

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 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
20		No-Shine Army ROTC Rank (RC-109) Sergeant Major Gold UPC: 720345671245 SR#: RC-109 GSA#: GSA10642 FEDMALL#: MS10642 Keyword: SR142	3.75000	75.00
20		No-Shine Army ROTC Rank (RC-110) Command Sergeant Major Gold UPC: 720345671252 SR#: RC-110 GSA#: GSA10643 FEDMALL#: MS10643 Keyword: SR142	3.75000	75.00
20		No-Shine Army ROTC Rank (RC-121) Second Lieutenant (One Disk Smooth) Polished Nickel UPC: 720345671269 SR#: RC-121 GSA#: GSA5132 FEDMALL#: MS5132 Keyword: SR143	3.25000	65.00
20		No-Shine Army ROTC Rank (RC-122) First Lieutenant (Two Disk Smooth) Polished Nickel UPC: 720345671276 SR#: RC-122 GSA#: GSA10609 FEDMALL#: MS10609 Keyword: SR143	3.25000	65.00
10		No-Shine Army ROTC Rank (RC-123) Captain (Three Disk Smooth) Nickel UPC: 720345123126 SR#: RC-123 GSA#: GSA10612 FEDMALL#: MS10612 Keyword: SR143	3.50000	35.00
5		No-Shine Army ROTC Rank (RC-124) Major (One Diamond Smooth) Polished nickel UPC: 720345411247 SR#: RC-124 GSA#: GSA10613 FEDMALL#: MS10613 Keyword: SR143	3.25000	16.25
5		No-Shine Army ROTC Rank (RC-125) Lieutenant Colonel (Two Diamond Smooth) Polished nickel UPC: 720345422250 SR#: RC-125 GSA#: GSA10614 FEDMALL#: MS10614 Keyword: SR143	3.25000	16.25
5		No-Shine Army ROTC Rank (RC-126) Colonel (Three Diamond Smooth) nickel UPC: 720345422267 SR#: RC-126 GSA#: GSA10615 FEDMALL#: MS10615 Keyword: SR143	3.25000	16.25
100		NDCC Collar Insignia Letters Gold UPC: 720345671610 SR#:	5.00000	500.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	<b>863.75</b>
			<b>TOTAL</b>	<b>15,409.87</b>

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PAGE 3 OF 13

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**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		RC-332 GSA#: GSA25331 FEDMALL#: MS25331 Keyword: SR139 Army JROTC Torch Collar Insignia (Pair) Gold UPC: 720345203019 SR#: RC-301 GSA#: GSA10677 FEDMALL#: MS10677 Keyword: SR139	4.85000	485.00
25		Color Guard Collar Insignia Letters Gold UPC: 720345671542 SR#: RC-324 GSA#: GSA10695 FEDMALL#: MS10695 Keyword: SR139	4.50000	112.50
100		ROTC Ribbon Device (RC-RD202) Torch Silver UPC: 720345676523 SR#: RC-RD202 GSA#: GSA10722 FEDMALL#: MS10722 Keyword: SR162	0.85000	85.00
100		Ribbon Device, 5/16 Bronze Star UPC: 720345210321 SR#: R-D104A/1 GSA#: GSA293 FEDMALL#: MS293 Keyword: SR162	0.55000	55.00
100		ROTC Ribbon Device (RC-RD103) Lamp Of Knowledge Bronze UPC: 720345676509 SR#: RC-RD103 GSA#: GSA10720 FEDMALL#: MS10720 Keyword: SR162	1.10000	110.00
100		01 Ribbon Bar UPC: 720345211014 SR#: R-M01 GSA#: GSA133 MIL STRIP#: MS133 Keyword: SR163	0.45000	45.00
100		02 Ribbon Bar UPC: 720345211021 SR#: R-M02 GSA#: GSA134 MIL STRIP#: MS134 Keyword: SR163	0.55000	55.00
100		03 Ribbon Bar UPC: 720345211038 SR#: R-M03 GSA#: GSA5126 MIL STRIP#: MS5126 Keyword: SR163	0.65000	65.00
100		04 Ribbon Mount No Gap UPC: 720345212004 SR#: R-M04A GSA#: GSA7121 MIL STRIP#: MS7121 Keyword: SR163	1.50000	150.00
4		(PE-E020D) M-30 Walnut Parade Rifle with Olive Drab Sling (Stained) UPC: 720345667545 SR#: PE-E020D Keyword: SR138	34.95000	139.80
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	1,302.30
			<b>TOTAL</b>	15,409.87

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ORIGINAL REQ # : 0000109710

**VENDOR:**  
THE SUPPLY ROOM INC  
230 SUPPLY ROOM RD  
OXFORD, AL 36203

**SHIP TO:**  
MIDLOTHIAN HIGH SCHOOL  
923 S 9TH ST  
MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
25		ROTC Metal Arc Tab ACADEMICS UPC: 720345271032 SR#: RC-T103 GSA#: GSA11264 FEDMALL#: MS11264 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab COLOR GUARD UPC: 720345331040 SR#: RC-T104 GSA#: GSA11265 FEDMALL#: MS11265 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab CADET CHALLENGE UPC: 720345331200 SR#: RC-T120 GSA#: GSA28551 FEDMALL#: MS28551 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab COMMUNITY SERVICE UPC: 720345729861 SR#: RC-T172 GSA#: GSA345538 FEDMALL#: MS345538 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab DRILL TEAM UPC: 720345331019 SR#: RC-T101 GSA#: GSA11262 FEDMALL#: MS11262 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab FLAG DETAIL UPC: 720345331194 SR#: RC-T119 GSA#: GSA28550 FEDMALL#: MS28550 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab HONOR ROLL UPC: 720345331101 SR#: RC-T110 GSA#: GSA14982 FEDMALL#: MS14982 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab ORIENTEERING UPC: 720345907962 SR#: RC-T107 GSA#: GSA14017 FEDMALL#: MS14017 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab RAIDER UPC: 720345429877 SR#: RC-T106 GSA#: GSA12987 FEDMALL#: MS12987 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab RAPPELLING UPC: 720345907986 SR#: RC-T117 GSA#: GSA26404 FEDMALL#: MS26404 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab STAFF UPC: 720345693773 SR#: RC-T140 GSA#: GSA71279 FEDMALL#: MS71279 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab LAND NAVIGATION UPC: 720345181577 SR#: RC-T212 GSA#: GSA345580 FEDMALL#: MS345580 Keyword: SR144	2.50000	62.50
25		ROTC Metal Arc Tab PHYSICAL FITNESS UPC: 720345307991 SR#:	2.50000	62.50
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	812.50
			<b>TOTAL</b>	15,409.87

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 ENTERED BY : JONESSE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
25		RC-T201 GSA#: GSA345567 FEDMALL#: MS345567 Keyword: SR144 ROTC Metal Arc Tab HONOR GUARD UPC: 720345684498 SR#:	2.50000	62.50
25		RC-T130 GSA#: GSA39990 FEDMALL#: MS39990 Keyword: SR144 ROTC Metal Arc Tab FIRST + AID UPC: 720345674857 SR#:	2.50000	62.50
5		RC-T175 GSA#: GSA345541 FEDMALL#: MS345541 Keyword: SR144 ROTC Metal Arc Tab LEADER OF THE YEAR UPC: 720345308073 SR#:	2.50000	12.50
5		RC-T193 GSA#: GSA345559 FEDMALL#: MS345559 Keyword: SR144 ROTC Metal Arc Tab CADET OF THE YR UPC: 720345760826 SR#:	2.50000	12.50
50		RC-T165 GSA#: GSA345531 FEDMALL#: MS345531 Keyword: SR144 ROTC Metal Arc Tab FUNDRAISING UPC: 720345674833 SR#:	2.50000	125.00
25		RC-T176 GSA#: GSA345542 FEDMALL#: MS345542 Keyword: SR144 ROTC Metal Arc Tab MOST IMPROVED UPC: 720345181096 SR#:	2.50000	62.50
25		RC-T213 GSA#: GSA345581 FEDMALL#: MS345581 Keyword: SR144 ROTC Metal Arc Tab LEADERSHIP UPC: 720345174555 SR#:	2.50000	62.50
25		RC-T143 GSA#: GSA79324 FEDMALL#: MS79324 Keyword: SR144 ROTC Metal Arc Tab SHOOTING TEAM UPC: 720345170571 SR#:	2.50000	62.50
25		RC-T219 GSA#: GSA345587 FEDMALL#: MS345587 Keyword: SR144 ROTC Metal Arc Tab ATHLETICS UPC: 720345760833 SR#: RC-T164	2.50000	62.50
25		GSA#: GSA345530 FEDMALL#: MS345530 Keyword: SR144 ROTC Metal Arc Tab BAND UPC: 720345331095 SR#: RC-T109	2.50000	62.50
100		GSA#: GSA14620 FEDMALL#: MS14620 Keyword: SR144 JROTC Ribbon Heroism SR#: RC-R554	0.75000	75.00
100		ROTC Ribbon (RC-R101) Distinguished Cadet Award For Scholastic Excellence UPC: 720345675663 SR#: RC-R101 GSA#: GSA11674 MIL STRIP#: MS11674 Keyword: SR153	0.75000	75.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	<b>737.50</b>
			<b>TOTAL</b>	<b>15,409.87</b>

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 ENTERED BY : JONESHE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		ROTC Ribbon (RC-R102) Academic Excellence Award (N-1-2) UPC: 720345675670 SR#: RC-R102 GSA#: GSA11759 MIL STRIP#: MS11759 Keyword: SR153	0.65000	65.00
100		ROTC Ribbon (RC-R103) Academic Achievement (N-1-3) UPC: 720345675687 SR#: RC-R103 GSA#: GSA11761 MIL STRIP#: MS11761 Keyword: SR153	0.65000	65.00
100		ROTC Ribbon (RC-R104) Perfect Attendance (N-1-4) UPC: 720345675694 SR#: RC-R104 GSA#: GSA11809 MIL STRIP#: MS11809 Keyword: SR153	0.75000	75.00
100		ROTC Ribbon (RC-R105) Student Government (N-1-5) UPC: 720345675700 SR#: RC-R105 GSA#: GSA11811 MIL STRIP#: MS11811 Keyword: SR153	0.65000	65.00
100		ROTC Ribbon (RC-R106) Leadership Development Service (N-1-6) UPC: 720345675717 SR#: RC-R106 GSA#: GSA11812 MIL STRIP#: MS11812 Keyword: SR153	0.75000	75.00
100		ROTC Ribbon (RC-R107) Optional (N-1-7) UPC: 720345675724 SR#: RC-R107 GSA#: GSA21576 MIL STRIP#: MS21576 Keyword: SR153	0.75000	75.00
100		ROTC Ribbon (RC-R108) Optional (N-1-8) UPC: 720345675731 SR#: RC-R108 GSA#: GSA21578 MIL STRIP#: MS21578 Keyword: SR153	0.75000	75.00
100		ROTC Ribbon (RC-R109) Optional (N-1-9) UPC: 720345675748 SR#: RC-R109 GSA#: GSA19611 MIL STRIP#: MS19611 Keyword: SR153	0.65000	65.00
100		ROTC Ribbon (RC-R110) Optional Use (N-1-10) UPC: 720345675755	0.75000	75.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	635.00
			<b>TOTAL</b>	15,409.87

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ENTERED BY : JONESSE002  
ORIGINAL REQ # : 0000109710

**VENDOR:**  
THE SUPPLY ROOM INC  
230 SUPPLY ROOM RD  
OXFORD, AL 36203

**SHIP TO:**  
MIDLOTHIAN HIGH SCHOOL  
923 S 9TH ST  
MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		SR#: RC-R110 GSA#: GSA15659 MIL STRIP#: MS15659 Keyword: SR153 ROTC Ribbon (RC-R131) Senior Army Instructor Leadership (N-3-1) UPC: 720345675823 SR#: RC-R131 GSA#: GSA11816 MIL STRIP#: MS11816 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R132) Personal Appearance (N-3-2) UPC: 720345675830 SR#: RC-R132 GSA#: GSA11818 MIL STRIP#: MS11818 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R133) Proficiency (N-3-3) UPC: 720345675847 SR#: RC-R133 GSA#: GSA11819 MIL STRIP#: MS11819 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R134) Drill Team (N-3-4) UPC: 720345675854 SR#: RC-R134 GSA#: GSA11823 MIL STRIP#: MS11823 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R135) Orienteering (N-3-5) UPC: 720345675878 SR#: RC-R135 GSA#: GSA11821 MIL STRIP#: MS11821 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R136) Color and Honor Guard (N-3-6) UPC: 720345675885 SR#: RC-R136 GSA#: GSA11824 MIL STRIP#: MS11824 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R137) Rifle Team (N-3-7) UPC: 720345675892 SR#: RC-R137 GSA#: GSA11765 MIL STRIP#: MS11765 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R138) Adventure Training (N-3-8) UPC: 720345675908 SR#: RC-R138 GSA#: GSA11825 MIL STRIP#:	0.65000	65.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	520.00
			<b>TOTAL</b>	15,409.87

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ORIGINAL REQ # : 0000109710

**VENDOR:**  
THE SUPPLY ROOM INC  
230 SUPPLY ROOM RD  
OXFORD, AL 36203

**SHIP TO:**  
MIDLOTHIAN HIGH SCHOOL  
923 S 9TH ST  
MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		MS11825 Keyword: SR155 ROTC Ribbon (RC-R139) Commendation (N-3-9) UPC: 720345675915 SR#: RC-R139 GSA#: GSA11827 MIL STRIP#: MS11827 Keyword: SR155	0.75000	75.00
100		ROTC Ribbon (RC-R140) Good Conduct (N-3-10) UPC: 720345675922 SR#: RC-R140 GSA#: GSA11766 MIL STRIP#: MS11766 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R141) Summer Camp Participation (N-3-11) UPC: 720345133118 SR#: RC-R141 GSA#: GSA11828 MIL STRIP#: MS11828 Keyword: SR155	0.65000	65.00
100		ROTC Ribbon (RC-R142) Optional Use (N-3-12) UPC: 720345675939 SR#: RC-R142 GSA#: GSA15657 MIL STRIP#: MS15657 Keyword: SR155	0.75000	75.00
100		ROTC Ribbon (RC-R143) Optional Use (N-3-13) UPC: 720345675946 SR#: RC-R143 GSA#: GSA15658 MIL STRIP#: MS15658 Keyword: SR155	0.75000	75.00
100		ROTC Ribbon (RC-R144) Optional Use (N-3-14) UPC: 720345675953 SR#: RC-R144 GSA#: GSA15620 MIL STRIP#: MS15620 Keyword: SR155	0.75000	75.00
100		ROTC Ribbon (RC-R145) Optional Use (N-3-15) UPC: 720345675960 SR#: RC-R145 GSA#: GSA15621 MIL STRIP#: MS15621 Keyword: SR155	0.75000	75.00
100		ROTC Ribbon (RC-R121) Varsity Athletic (N-2-1) UPC: 720345675762 SR#: RC-R121 GSA#: GSA11813 MIL STRIP#: MS11813 Keyword: SR154	0.65000	65.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	570.00
			<b>TOTAL</b>	15,409.87

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**VENDOR:**  
THE SUPPLY ROOM INC  
230 SUPPLY ROOM RD  
OXFORD, AL 36203

**SHIP TO:**  
MIDLOTHIAN HIGH SCHOOL  
923 S 9TH ST  
MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		ROTC Ribbon (RC-R122) Physical Fitness (N-2-2) UPC: 720345675779 SR#: RC-R122 GSA#: GSA11814 MIL STRIP#: MS11814 Keyword: SR154	0.75000	75.00
100		ROTC Ribbon (RC-R123) ROTC Athletic (N-2-3) UPC: 720345675786 SR#: RC-R123 GSA#: GSA11815 MIL STRIP#: MS11815 Keyword: SR154	0.75000	75.00
100		ROTC Ribbon (RC-R124) ROTC Optional (N-2-4) UPC: 720345675793 SR#: RC-R124 GSA#: GSA19599 MIL STRIP#: MS19599 Keyword: SR154	0.65000	65.00
100		ROTC Ribbon (RC-R125) ROTC Optional (N-2-5) UPC: 720345675809 SR#: RC-R125 GSA#: GSA25781 MIL STRIP#: MS25781 Keyword: SR154	0.75000	75.00
100		ROTC Ribbon (RC-R146) Parade (N-4-1) UPC: 720345675977 SR#: RC-R146 GSA#: GSA11829 MIL STRIP#: MS11829 Keyword: SR156	0.65000	65.00
100		ROTC Ribbon (RC-R147) Recruiting (N-4-2) UPC: 720345675984 SR#: RC-R147 GSA#: GSA19617 MIL STRIP#: MS19617 Keyword: SR156	0.75000	75.00
100		ROTC Ribbon (RC-R148) Optional (N-4-3) UPC: 720345675991 SR#: RC-R148 GSA#: GSA19615 MIL STRIP#: MS19615 Keyword: SR156	0.75000	75.00
100		ROTC Ribbon (RC-R149) Optional (N-4-4) UPC: 720345676004 SR#: RC-R149 GSA#: GSA19616 MIL STRIP#: MS19616 Keyword: SR156	0.65000	65.00
100		ROTC Ribbon (RC-R150) Optional (N-4-5) UPC: 720345676011 SR#: RC-R150 GSA#: GSA25104 MIL STRIP#: MS25104 Keyword:	0.75000	75.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	645.00
			<b>TOTAL</b>	15,409.87

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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109710

PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESSE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		SR156 ROTC Ribbon(RC-R152) Service Learning (N-4-6) UPC: 720345685396 SR#: RC-R152 GSA#: GSA54437 MIL STRIP#: MS54437 Keyword: SR156	0.75000	75.00
10		Single Braid One Color Shoulder Cord UPC: 720345800492 SR#: CD-A101 GSA#: GSA9610 FEDMALL#: MS9610 Keyword: SR120	8.50000	85.00
60		Elastic Belt with Tip UPC: 720345009994 SR#: AR-424M-49 GSA#: GSA164051 FEDMALL#: MS164051 Keyword: SR187	5.00000	300.00
60		No-Shine Roller Buckle Male UPC: 720345104392 SR#: AR-401M GSA#: GSA7388 FEDMALL#: MS7388 Keyword: SR187	5.90000	354.00
40		Elastic Belt with Tip UPC: 720345009406 SR#: AR-424F-44 GSA#: GSA164052 FEDMALL#: MS164052 Keyword: SR187	5.00000	200.00
40		No-Shine Roller Buckle Female UPC: 720345104408 SR#: AR-402F GSA#: GSA23588 FEDMALL#: MS23588 Keyword: SR187	6.50000	260.00
3		Custom Guidon Jrotc (Red Torch) UPC: 720345232842 SR#: F-GDN-JROTC Keyword: SR193	175.00000	525.00
3		7 ft. Government Spec Guidon Pole with Spear and Bottom Ferrule UPC: 720345846957 SR#: FP-102A Keyword: SR129	145.00000	435.00
100		RC-405 Wreath with NDCC Letters In Panel (Screw Back) UPC: 720345671696 SR#: RC-405 GSA#: GSA25328 MIL STRIP#: MS25328 Keyword: SR139	4.00000	400.00
50		Four-in-Hand Necktie, Black UPC: 720345903087 SR#: TIE-101	8.00000	400.00
50		Black Neck Tab UPC: 720345165553 SR#: TIE-110 GSA#: GSA141826 FEDMALL#: MS141826 Keyword: NECKTIE	7.00000	350.00
50		Microfiber Dress Rib Crew Socks, 2 Pair UPC: 038326488899	5.70000	285.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	3,669.00
			<b>TOTAL</b>	15,409.87

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REQUISITION NUMBER

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PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESSE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
100		SR#: SOCK-JS-21023M/BK01 Plastic Nametag (Army Nameplate) Smooth Finish UPC: 720345901656 SR#: PLA-103 GSA#: GSA4430 MIL STRIP#: MS4430 Keyword: ARPLA	1.90000	190.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766569 SR#: BT-BF07/02 6-5/8 GSA#: GSA360662 FEDMALL#: MS360662 Keyword: SR122	11.50000	115.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766576 SR#: BT-BF07/03 6-3/4 GSA#: GSA360663 FEDMALL#: MS360663 Keyword: SR122	11.50000	115.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766606 SR#: BT-BF07/01 6-1/2 GSA#: GSA360666 FEDMALL#: MS360666 Keyword: SR122	11.50000	115.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766583 SR#: BT-BF07/04 6-7/8 GSA#: GSA360664 FEDMALL#: MS360664 Keyword: SR122	11.50000	115.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766613 SR#: BT-BF07/05 7 GSA#: GSA360667 FEDMALL#: MS360667 Keyword: SR122	11.50000	115.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766620 SR#: BT-BF07/06 7-1/8 GSA#: GSA360668 FEDMALL#: MS360668 Keyword: SR122	11.50000	115.00
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766637 SR#: BT-BF07/07 7-1/4 GSA#: GSA360669 FEDMALL#: MS360669 Keyword: SR122	11.50000	115.00
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	995.00
			<b>TOTAL</b>	15,409.87

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REQ DATE

07/07/2022

REQUISITION NUMBER

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PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESSHE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
10		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345766644 SR#: BT-BF07/08 7-3/8 GSA#: GSA360670 FEDMALL#: MS360670 Keyword: SR122	11.50000	115.00
5		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345451885 SR#: BT-BF07/09 7-1/2 GSA#: GSA372660 FEDMALL#: MS372660 Keyword: SR122	11.50000	57.50
5		Fitted Beret with ROTC Flash and Nylon Sweatband, Unlined (Domestic) UPC: 720345451885 SR#: BT-BF07/09 7-1/2 GSA#: GSA372660 FEDMALL#: MS372660 Keyword: SR122	11.50000	57.50
50		T-Shirt 3 Pack 100% Cotton UPC: 720345463079 SR#: IE-OCP T-Shirt-04	15.00000	750.00
100		Belt with Slide Buckle UPC: 720345131695 SR#: BELT-AS1 GSA#: GSA136482 FEDMALL#: MS136482 Keyword: ACUBELT	6.95000	695.00
12		Bib Scarf (SCARF-201-11) White and Royal Blue Satin UPC: 720347240470 SR#: SCARF-201-11	5.50000	66.00
6		Helmet Metallized Chrome UPC: 720345002407 SR#: PE-A01 Keyword: SR194	46.96000	281.76
12		Flash Gloves (G-302A) Royal Blue and White UPC: 720345113554 SR#: G-302A Keyword: SR123	5.75000	69.00
4		Flag Carrier, Double Strap White Webbing UPC: 720345824450 SR#: F-C202 GSA#: GSA12269 FEDMALL#: MS12269 Keyword: SR132	40.74000	162.96
1		US Parade Flags with Fringe, Nylon UPC: 720345825891 SR#: F-US/NIF-03 Keyword: SR124	98.45000	98.45
1		Texas State Flag Indoor Pole Hem with Fringe UPC:	72.65000	72.65
CONTINUED ON NEXT PAGE			<b>PAGE TOTAL</b>	<b>2,425.82</b>
			<b>TOTAL</b>	<b>15,409.87</b>

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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109710

PRINTED 07/07/2022

VENDOR KEY : THE SUPP000  
 SHIP DATE : 07/07/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : JONESHE002  
 ORIGINAL REQ # : 0000109710

**VENDOR:**  
 THE SUPPLY ROOM INC  
 230 SUPPLY ROOM RD  
 OXFORD, AL 36203

**SHIP TO:**  
 MIDLOTHIAN HIGH SCHOOL  
 923 S 9TH ST  
 MIDLOTHIAN, TX 76065

ATTN: Sgt GUY/SHELLEY JONES

Contract Nbr: GSA

General Services Administration

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
12		720345828328 SR#: FS-TX-4 Keyword: SR126 Army JROTC Graduation Stole White with JROTC Patch SR#: RC-Grad Stole/AR	16.50000	198.00
150		Lincoln County High School (Enter To Learn Leave To Lead) JROTC Unit Crest UPC: 720349001512 SR#: RC-DUI-HS-WV-033 GSA#: GSA72163 MIL STRIP#: MS72163 Keyword: RCHSDUI	4.45000	667.50
6		Parade Belt with No Eyelets Nickel UPC: 720345191033 SR#: PB-C1N-44 GSA#: GSA163506 FEDMALL#: MS163506 Keyword: SR133	32.00000	192.00
6		Parade Belt Buckles UPC: 720345002391 SR#: PB-102N GSA#: GSA11456 FEDMALL#: MS11456 Keyword: SR133	17.00000	102.00
2		Cadet Belt (RC-CB02S) Single Strap Silver Buckle Included UPC: 720345688793 SR#: RC-CB02S GSA#: GSA60818 MIL STRIP#: MS60818 Keyword: SR194	15.00000	30.00
6		Acme Look-A-Like Whistle (U-920S) Silver UPC: 720345013984 SR#: U-920S *****This order will be delivered by the first of the year.***** NO SHIPPING CHARGES	3.25000	19.50
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 11 6399 00 999 0 38 999		15,409.87		
CommCode: Apparel Uniforms (JROTC)				
PAGE TOTAL			1,209.00	
TOTAL			15,409.87	

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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109695

PRINTED 07/07/2022

VENDOR KEY : DESOTO J000  
SHIP DATE : 07/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : RIVERSAM000  
ORIGINAL REQ # : 0000109695

**VENDOR:**  
DESOTO JANITORIAL SUPPLY  
719 S I-35 E  
DESOTO, TX 75115

**SHIP TO:**  
RANDALL HILL SUPPORT CENTER  
315 EAST AVENUE E  
MIDLOTHIAN, TX 76065

PHONE: (972) 223-0310 FAX: (972) 223-1505

ATTN: DONETTE MOSS

Contract Nbr: MISD RFP

Midlothian ISD RFP/CSP/RFQ Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
		MISD 2021-006 exp 12/31/23 Janitorial Paper Supply for the District		
1575	CS	Tork Mini Toilet Tissue - SCA-12024402-CS	28.95000	45,596.25
1505	CS	Tormatic Towel - White SCA-290089-CS	37.50000	56,437.50
ACCOUNT SUMMARY (FOR INTERNAL USE)				
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 51 6315 00 902 0 99 902	102,033.75	
CommCode: Janitorial - Supplies				
			PAGE TOTAL	102,033.75
			TOTAL	102,033.75

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unauthorized purchases made with a Requisition.

<b>REQ DATE</b>
<b>07/07/2022</b>

<b>REQUISITION NUMBER</b>
<b>0000109686</b>

PRINTED 07/07/2022

VENDOR KEY : CITYOM 000  
SHIP DATE : 07/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109686

**VENDOR:**  
CITY OF MIDLOTHIAN  
104 W AVE E  
MIDLOTHIAN, TX 76065

**SHIP TO:**  
RANDALL HILL SUPPORT CENTER  
315 EAST AVENUE E  
MIDLOTHIAN, TX 76065

PHONE: (972) 775-7162

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		City of Midlothian Sport Park - Personal Wages	40000.00000	40,000.00
ACCOUNT SUMMARY (FOR INTERNAL USE)				
ACCOUNT NUMBER		ACCOUNT AMOUNT		
199 E 51 6299 05 903 0 99 999		40,000.00		
CommCode: Student Activity Purchase				
			PAGE TOTAL	40,000.00
			TOTAL	40,000.00

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unauthorized purchases made with a Requisition.

REQ DATE

07/07/2022

REQUISITION NUMBER

0000109687

PRINTED 07/07/2022

VENDOR KEY : CITYOM 000  
SHIP DATE : 07/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109687

**VENDOR:**  
CITY OF MIDLOTHIAN  
104 W AVE E  
MIDLOTHIAN, TX 76065

**SHIP TO:**  
RANDALL HILL SUPPORT CENTER  
315 EAST AVENUE E  
MIDLOTHIAN, TX 76065

PHONE: (972) 775-7162

ATTN: JESSICA HERNANDEZ

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1	ea	MISD Vendor Electrical Cost MISD'S portion the Sportspark operating expenses  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBER ACCOUNT AMOUNT 199 E 51 6499 05 903 0 99 999 70,000.00  CommCode: Utility Service	70000.00000	70,000.00
			<b>PAGE TOTAL</b>	70,000.00
			<b>TOTAL</b>	70,000.00

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REQ DATE

07/07/2022

REQUISITION NUMBER

0000109696

PRINTED 07/07/2022

VENDOR KEY : WESTERN 012  
SHIP DATE : 07/07/2022  
FISCAL YEAR : 2022-2023  
ENTERED BY : HERNAJES000  
ORIGINAL REQ # : 0000109696

**VENDOR:**  
WESTERN - BRW PAPER  
PO BOX 847642  
DALLAS, TX 75284-7642

**SHIP TO:**  
RANDALL HILL SUPPORT CENTER  
315 EAST AVENUE E  
MIDLOTHIAN, TX 76065

PHONE: (979) 599-3177

ATTN: JESSICA HERNANDEZ

Contract Nbr: EPCNT

Educational Purchasing Cooperative of North Texas Contract

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
2520	CS	EPCNT Richardson ISD 1625 exp 11/2/23 #21032450 Suzano Report copy paper - 20lb, 8 1/2" X 11" ultra-bright white, 500 sheets per ream  ACCOUNT SUMMARY (FOR INTERNAL USE) ACCOUNT NUMBERACCOUNT AMOUNT 199 A 00 1311 00 000 0 00 000104,076.00  CommCode: Copy Paper	41.30000	104,076.00
			PAGE TOTAL	104,076.00
			TOTAL	104,076.00

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REQ DATE

06/20/2022

PAGE 1 OF 1

REQUISITION NUMBER

0000109200

PRINTED 07/12/2022

VENDOR KEY : WALSH 000  
 SHIP DATE : 06/14/2022  
 FISCAL YEAR : 2022-2023  
 ENTERED BY : MCGRETHER001  
 ORIGINAL REQ # : 0000109200

**VENDOR:**  
 WALSH GALLEGOS TREVINO KYLE & ROBINSON P.  
 PO BOX 2156  
 AUSTIN, TX 78768

**SHIP TO:**  
 MIDLOTHIAN I.S.D.  
 100 WALTER STEPHENSON ROAD  
 MIDLOTHIAN, TX 76065

PHONE: (512) 454-6864

ATTN: THEDA MCGREW

QUANTITY	UNIT	DESCRIPTION OF ITEMS OR MATERIALS	UNIT PRICE	AMOUNT
1		RFQ 2021-025 Awarded in September of 2021		
1		22/23 Annual Retainer Fee	1000.00000	1,000.00
		Open Purchase Order to bill against for monthly payment processing.	150000.00000	150,000.00
		**PLEASE RETURN PO TO THEDA MCGREW**		
		ACCOUNT SUMMARY (FOR INTERNAL USE)		
		ACCOUNT NUMBER	ACCOUNT AMOUNT	
		199 E 41 6211 00 702 0 99 702		151,000.00
		CommCode: Legal Fees/Attorney		
			<b>PAGE TOTAL</b>	151,000.00
			<b>TOTAL</b>	151,000.00

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**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Budget Amendment	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> To amend the annual budget to allow expenditures to be spent from the correct function.</p> <p><b>WHAT:</b>  <i>Transfer \$10,000 from Staff Development to Instruction for Homebound extra duty pay for Curriculum.</i>  <i>Transfer \$7,000 from Instruction supplies to School Leadership (\$3,700) and Health Services (\$3,300) for Summer School extra duty pay for Curriculum.</i>  <i>Transfer \$100 from School Leadership to Security for badge supplies for The Mile.</i>  <i>Transfer \$7,098 from Data Processing to Maintenance for software for Technology.</i>  <i>Transfer \$2,741 from Data Processing to Security for supplies for Technology.</i></p>	
<b>Strategic Priority: (Primary)</b>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective: (Primary)</b>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	CE-ANNUAL OPERATING BUDGET	
<b>Fiscal Impact/Budget Function Code:</b>	None	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	Presented as a consent item. If the item is pulled from the consent agenda, the motion might be: "I make a motion to approve the budget amendments to the 2022-2023 budget as presented."	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

Adopted/Amended Budgets for Funds 170, 180, and 199 (Library, Athletics, General Fund)

Adopted/Amended Budgets for Funds 170, 180, and 199 (Library, Athletics, & General Fund)

	<u>% OF BUDGET</u>	<u>ORIGINAL BUDGET TOTALS</u>	<u>PREVIOUS AMENDMENTS</u>	<u>THIS AMENDMENT</u>	<u>AMENDED BUDGET TOTALS</u>	<u>% OF BUDGET</u>
<b>Revenues</b>						
57 Local	59.42%	\$70,375,751	\$0	\$0	\$70,375,751	59.43%
58 State	38.94%	\$46,120,003	\$0	\$0	\$46,120,003	38.94%
59 Federal	1.63%	\$1,934,000	\$0	\$0	\$1,934,000	1.63%
79 Other Resources	0.00%	\$0	\$0	\$0	\$0	0.00%
Total Revs FY22-23	99.99%	<u>\$118,429,754</u>	<u>\$0</u>	<u>\$0</u>	<u>\$118,429,754</u>	100.00%
<b>Expenditures</b>						
<b>FUNCTION</b>						
11 Instruction	49.40%	\$58,491,843	\$0	\$0	\$58,491,843	49.38%
12 Media Services	1.12%	\$1,322,830	\$0	\$0	\$1,322,830	1.12%
13 Staff Development	1.02%	\$1,205,692	\$0	\$0	\$1,205,692	1.02%
21 Instructional						
Administration	0.88%	\$1,042,428	\$0	\$0	\$1,042,428	0.88%
23 School Leadership	4.78%	\$5,655,282	\$0	\$0	\$5,655,282	4.78%
31 Counseling Services	3.31%	\$3,921,643	\$0	\$0	\$3,921,643	3.31%
32 Social Work Services	0.00%	\$0	\$0	\$0	\$0	0.00%
33 Health Services	1.05%	\$1,244,846	\$0	\$0	\$1,244,846	1.05%
34 Transportation	2.51%	\$2,977,186	\$0	\$0	\$2,977,186	2.51%
36 Extra/Co-Curricular						
Activities	3.97%	\$4,696,253	\$0	\$0	\$4,696,253	3.97%
41 Central Administration	3.28%	\$3,881,347	\$0	\$0	\$3,881,347	3.28%
51 Maintenance	9.97%	\$11,813,022	\$0	\$0	\$11,813,022	9.97%
52 Security	1.55%	\$1,840,120	\$0	\$0	\$1,840,120	1.55%
53 Data Processing	1.66%	\$1,961,842	\$0	\$0	\$1,961,842	1.66%
61 Community Services	0.00%	\$0	\$0	\$0	\$0	0.00%
71 Debt Service	0.00%	\$0	\$0	\$0	\$0	0.00%
81 Facilities	0.00%	\$0	\$0	\$0	\$0	0.00%
95 JJAEP	0.02%	\$20,000	\$0	\$0	\$20,000	0.02%
97 Payments to Tax						
Increment Fund	14.87%	\$17,614,428	\$0	\$0	\$17,614,428	14.87%
99 Tax Costs	0.63%	\$740,992	\$0	\$0	\$740,992	0.63%
Total Exps FY22-23	100.02%	<u>\$118,429,754</u>	<u>\$0</u>	<u>\$0</u>	<u>\$118,429,754</u>	100.00%
<b>Budgeted Increase / (Decrease) to Fund Balance</b>						
		<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	

[1] Transfer \$10,000 from Staff Development to Instruction for Homebound extra duty pay for Curriculum.

[2] Transfer \$7,000 from Instruction supplies to School Leadership (\$3,700) and Health Services (\$3,300) for summer school extra duty pay for Curriculum.

[3] Transfer \$100 from School Leadership to Security for badge supplies for The MILE.

[4] Transfer \$7,098 from Data Processing to Maintenance for software for Technology.

[5] Transfer \$2,741 from Data Processing to Security for supplies for Technology.



**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Consider Approval of Gifts and/or Donations	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY: Based upon local policy:</b> The Board delegates to the Superintendent the authority to accept unsolicited gifts on behalf of the District. However, any gift that the potential donor has expressly made conditional upon the District's use for a specified purpose, or any gift of real property, shall require Board approval. Once accepted, a gift becomes the sole property of the District</p> <p><b>WHAT:</b> Each month the Board is provided an update of gifts and donations to be accepted. NOTE: A running annual total is provided for tracking purposes.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and Financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	CDC-OTHER REVENUES - GIFTS AND SOLICITATIONS	
<b>Fiscal Impact/Budget Function Code:</b>	Varies each month based upon the value of donations and gifts received.	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	This is a consent agenda item: however, if needed a motion might be, "I move to approve the Gifts and Donations as presented."	
<b>Presenter:</b>	Jo Ann Fey, Ed.D.	
	District Leadership	Executive Director (ED) or Director (D)

## 2022 - 2023 Gifts and Donations

MISD Department Receiving Gift/Donation	Item or amount being donated	Entity or Individual Donating	Donation taken to the Board on:
HHS Golf	\$3,820 for indoor/outdoor portabe hitting bay and state wall picture	HHS Golf Boosters	7/18/2022
<b>2022-2023 Running Totals for Gifts and Donations</b>			
<b>Grand Total for 2022/2023</b>	\$3,820		
July 2022	\$3,820		
August 2022			
September 2022			
October 2022			
November 2022			
December 2022			
January 2023			
February 2023			
March 2023			
April 2023			
May 2023			
June 2023			

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Food Service Student Rate Increase for 2022-23	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	No	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> The U. S. Department of Agriculture has issued a mandate requiring school districts to increase meal prices a maximum of 10 cents per year until the average meal price for the District reaches the reimbursement rate the federal government uses for students qualifying for free lunches. The rationale is that the government is supplementing the paying students when the meal price falls below the reimbursement rate. Regulations at 7 CFR 210.14(e) require school food authorities (MISD) participating in the National School Lunch Program to ensure sufficient funds are provided to the nonprofit school food service account for meals served to students not eligible for free or reduced price meals. Using the Paid Lunch Equity tool supplied by the Department of Agriculture, the average price paid for lunches at MISD in 2021-22 was \$2.89.</p> <p><b>WHAT:</b> Adjusting for no more than a 2.00% increase in food costs and a CPI rate of 2.94%, the average lunch price in 2022-23 should be \$3.31. The 10 cent differential can only be adjusted by no more than 10 cents for the coming year. As a result, the price of all lunches will increase by \$0.10 in 2022-23. MISD has served free breakfast and lunch since the onset of the COVID pandemic in March of 2020, therefore there has not been a price increase since the 19-20 school year. Prior to that there has not been a price increase for school lunches since 2016-17. Current lunch prices are \$2.80 for elementary students and \$3.05 for secondary students. The prices for next year will be \$2.90 for elementary students and \$3.15 for secondary students. Breakfast rates do not require an increase.</p>	

<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and Financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	CBB-STATE AND FEDERAL REVENUE SOURCES -	
<b>Fiscal Impact/Budget Function Code:</b>	Could provide more revenue in the Food Service Fund if the District goes back on the NSLP and can no longer provide free meals for all students.	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	Presented as a consent item. If the item is pulled from the consent agenda, the motion might be: "I make a motion to approve the mandatory federal lunch meal price increase of \$.10 for the 2022-23 fiscal year as presented."	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	<b>Consideration of a Change Order with Imperial Construction for Electrical Underground Conduit Lowering and New Wiring at the Multi-Stadium Project</b>	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p>WHY: An unforeseen condition caused a problem during the drilling of the piers at the Multi-Purpose Stadium project. An underground large bank of electrical conduits was hit during the drilling of the piers. A smaller conduit was known about, but the larger bank of 5 conduits carrying the larger electrical load was unknown. This bank had not been identified on the Subsurface Utility Engineering Plan (SUE) nor was it shown on the "as built" plans from the construction in 2006. It is unfortunate that the conduits were hit, but we are very fortunate no one was injured.</p> <p>The pricing is for the cost associated with replacing copper conductors and conduit, which were damaged during pier drilling operations due to misleading information provided in the SUE. The price to MISD includes removing damaged electrical/fire alarm wires and conduit, lowering the underground conduit bank below the Easter grade beam of the Athletic Office, and pulling in new copper conductors from the existing field house to concession building D. Imperial is covering the cost associate with repairing the electrical gear and replacing the 250-amp breaker and Neutral bus bar.</p> <p>The total amount of the project will not change, as this amount will be moved from project contingency to the Imperial Contract.</p> <p><b>WHAT:</b> (should align w/ agenda location)</p>	
<b>Strategic Priority: (Primary)</b>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective: (Primary)</b>	4.1 Systematic Long-range Facility Management	
<b>Strategic Priority:</b> (Secondary - if needed)	N/A	

<b>Performance Objective:</b> (Secondary - if needed)	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Administrative Code	N/A
<b>Policy Reference: (1) / (2)</b>	CH-PURCHASING AND ACQUISITION	CHG-PURCHASING AND ACQUISITION - REAL PROPERTY AND IMPROVEMENTS
<b>Fiscal Impact/Budget Function Code:</b>	\$52,329.14 increase to the Imperial Construction contract be transferred from the project contingency amount ... no change to the total cost of the project.	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	Presented as a consent item. If needed, a motion might be: " I move to approve Change Order No. 1 in the amount of \$52,329.14 to the Imperial Construction Contract to be transferred from the project contingency line in the project budget."	
<b>Presenter:</b>	Darin Kasper	
	District Leadership	Executive Director (ED) or Director (D)

## Change Request

**To:** Orcutt Winslow  
2929 N Central Avenue  
11th Floor  
Phoenix, AZ 85012  
Ph: 602-257-1764

**Number:** PR-14  
**Date:** 5/23/22  
**Job:** 21-0778 MISD MP Stadium Add & Reno

**Description:** Electrical Underground Conduit Lowering and New Wire

See below for specifications and pricing to make the following changes:

This pricing is for the cost associated with replacing copper conductors and conduit which were damaged during pier drilling operations due to misleading information provided in the Subsurface Utility Engineering Plan. The price to MISD includes removing damaged electrical/fire alarm wires and conduit, lowering the underground conduit bank below the Eastern grade beam of the Athletic Office, and pulling in new copper conductors from the existing field house to concession building D. Imperial is covering the cost associated with repairing the electrical gear and replacing the damaged 250 amp breaker and Neutral bus bar.

Description	Labor	Material	Equipment	Subcontract	Other	Price
Lower Existing Electrical Conduits and Pull New Electrical Feeders				\$49,796.14		\$49,796.14
Pull New Fire Alarm Wire				\$2,533.00		\$2,533.00
Electrical Gear Repairs				\$16,132.72		\$16,132.72
Imperial Contribution for Gear Repairs					\$-16,132.72	\$-16,132.72
					Subtotal:	\$52,329.14
					<b>Total:</b>	<b>\$52,329.14</b>

Submitted by: Imperial Construction, Inc.

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

Owner Approval \_\_\_\_\_  
Date: \_\_\_\_\_

Architect Approval \_\_\_\_\_  
Date: \_\_\_\_\_

This proposed change for the subject work requires approval within 5 days. A delinquent response will accrue additional costs that are not included in this proposed change order price. This additional cost will be determined after your proposed change is authorized. Accordingly, upon receipt of your approval, all costs resulting from these additional factors will be submitted to correct the final amount.



Texas Fire & Sound  
10451 Brockwood Road  
Dallas, Texas 75238  
Phone: 214.390.9282  
Fax: 972.852.0848

Fire Alarm ▪ Access Control ▪ Burglar Alarms ▪ CCTV ▪ Sprinkler Systems

## PROPOSAL DOCUMENT: 2111-6007– Job #7879 – Cut Wires in Underground Conduit Bank – Lower Conduits by Two Feet - Change Request Pricing

Project Name: Midlothian ISD Stadium Adds & Reno  
Address: 1800 S. 14<sup>th</sup> Street  
Midlothian, TX 76065

Company Name: Imperial Construction  
Contact Name: Marshal Horn

Texas Fire & Sound Estimator: Kevin McCauley  
Contact Phone: 214-492-9588  
Contact Email: kmccauley@txfs.us

Date: 04/26/2022

**Midlothian ISD Stadium Adds & Reno: Change Request Pricing – Cut Wire in Underground Conduit Bank**  
**TOTAL BASE PRICE..... \$ 2,533.00 (Tax Exempt)**

**The above amount INCLUDES specified material or services by Texas Fire & Sound, Inc.**

- Pull out old fire alarm wires in existing conduit system being lowered by Two Feet
- Return once conduit's have been lowered by Two Feet and pull new direct burial cable into new conduit system
- Splice new Direct Burial fire alarm wire to old existing fire alarm wire – **Texas Fire & Sound will need a 4" Square box in each building with conduit stub-up to splice old fire wire and new fire wire together in each building. This will be supplied by the electrical contractor.**

Design	\$ 00.00
Material	\$ 538.94
Labor	\$ 1,587.41
PM/ADMIN	\$ 176.38
Subtotal	\$ 2,302.73
10% OHP	\$ 230.27
Total	\$ 2,533.00 (Tax Exempt)

Sincerely,

Client Acceptance: \_\_\_\_\_

*Kevin McCauley*

Date: \_\_\_\_\_

Kevin McCauley  
Sales/Project Estimator  
Texas Fire & Sound





**Huneke Enterprises, LLC**  
**Electrical Contractor**  
**TECL # 20232**

Date: 05-03-22

**CHANGE ORDER #: 004**

**JOB NAME: Midlothian Stadium**

**GENERAL CONTRACTOR: Imperial Construction**

WE THE CONTRACTOR & CUSTOMER AGREE TO MAKE THE FOLLOWING CHANGES AS SPECIFIED BELOW FOR THE SUM OF **\$ 49,796.14** WILL BE ADDED TO THE ORIGINAL CONTRACT AMOUNT.

WITH THE SUBMISSION OF THIS CHANGE ORDER THE CONTRACTOR REQUESTS ~~5~~ **7** DAYS TO BE ADDED TO THE EFFECTIVE COMPLETION DATE. NO WORK SHALL COMMENCE ON THE WORK COVERED BY THIS CHANGE ORDER UNTIL IT IS RECEIVED BY THE CONTRACTOR SIGNED AND EXECUTED BY THE CUSTOMER.

CHANGES TO THE ORIGINAL CONTRACT

**Material and Labor cost associated with removing damaged wire, lowering conduits to fit under grade beam and repulling new wire feeding existing concession stands.**

Description	Material	Labor	Equipment	Subtotal	Tax	10% OH & P	Total
Repair conduits & wire	\$ 36,114.04	\$ 8,655.18	\$ 500.00	\$45,269.22	\$ -	\$ 4,526.92	\$ 49,796.14
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Change Proposal:</b>							<b>\$ 49,796.14</b>

The price & conditions for this change order are satisfactory and hereby accepted. The Contractor shall not be responsible for redesigning nor upgrade any power distribution system that may be affected by the added electrical load, if any, of this change. This change order upon its execution shall become part of and conform to the terms and conditions of the existing contract as identified above.

I \_\_\_\_\_ am authorized to accept and sign this change order because I am the customer named above, or because I am acting for the customer as his agent.

Customer's signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Job ID:** JOB--2021-0087  
**Project:** Midlothian Stadium Addition and renovation



**CO:** CO-0004: PCO # 004 Repair damaged PVC and Replace Feeder wire

## Bid Overview Form

**Vendor:** TRADE/3-COL

**Labor Level:** LABOR 1

**3 May 2022 2:40:27 pm**

**Bid Name:** BASE BID

**Bid Template:** CHANGE ORDER 10% PROFIT

### TOP SHEET

Description	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
DIRECT LABOR HRS	167.20					
DIRECT LABOR DOLLARS		8,467.67				
INDIRECT LABOR HRS	3.50					
INDIRECT LABOR DOLLARS		187.51				
LABOR TAX						
MATERIAL DOLLARS		32,638.50				
QUOTES DOLLARS						
MATERIAL & QUOTE TAX						
DJC		3,475.54				
SUBCONTRACTS TOTAL						
EQUIPMENT TOTAL						
EQUIP/SUBCONTRACT TAX						
OVERHEAD TOTAL						
PROFIT TOTAL		4,476.92				
MISC TOTAL						

Huneke Enterprises

307 S Elm  
Waxahachie, TX 75165

**Phone:** 972-935-0310  
**Web:**

**SUBTOTALS**

<b>Subtotal</b>	<b>Material Unit</b>	<b>Factor</b>	<b>Mat Result</b>	<b>Labor Unit</b>	<b>Factor</b>	<b>Labor Result</b>	<b>Quote Unit</b>	<b>Factor</b>	<b>Quote Result</b>
THHN/THWN CU	31,552.00	1.00	31,552.00	159.62	1.00	159.62	0.00	1.00	0.00
BARE & GREEN WIRE	1,086.50	1.00	1,086.50	7.57	1.00	7.57	0.00	1.00	0.00
<b>Totals:</b>			<b>32,638.50</b>			<b>167.20</b>			<b>0.00</b>

# DIR LABOR

DIR LABOR		CREW	HOURS	RATE	BURDEN %	BURDEN \$	FRINGE \$	FULL RATE	EXTENSION
ESTIMATED HOURS	167.20								
XFER REG HRS >= OT									
REGULAR HRS	167.20								
OVERTIME HRS	0.00								
REGULAR HRS									
FOREMEN (WORKING)		0.00	0.00	0.00	31.64	0.00	7.50	7.50	0.00
JOURNEYMEN		1.00	83.60	39.45	31.64	12.48	7.50	59.43	4,968.41
APPRENTICE 1		1.00	83.60	26.10	31.64	8.26	7.50	41.86	3,499.26
APPRENTICE 2		0.00	0.00	0.00	31.64	0.00	7.50	7.50	0.00
APPRENTICE 3		0.00	0.00	0.00	31.64	0.00	7.50	7.50	0.00
SUBTOTAL / AVG		2.00	167.20	32.78				50.65	
OVERTIME HRS									
FOREMEN (WORKING)		0.00	0.00	0.00	31.64	0.00	7.50	7.50	0.00
JOURNEYMEN		1.00	0.00	59.18	31.64	18.72	7.50	85.40	0.00
APPRENTICE 1		1.00	0.00	39.15	31.64	12.39	7.50	59.04	0.00
APPRENTICE 2		0.00	0.00	0.00	31.64	0.00	0.00	0.00	0.00
APPRENTICE 3		0.00	0.00	0.00	31.64	0.00	0.00	0.00	0.00
SUBTOTAL / AVG		2.00	0.00	49.16				72.22	
FOREMEN (WORKING)									
JOURNEYMEN									
APPRENTICE									
TOTAL / AVG			167.20	32.77				50.65	
TOTAL DIRECT LBR									8,467.67

# INDIR LBR

INDIR LBR	HOURS	RATE \$	BURDEN %	BURDEN \$	FRINGE \$	FULL RATE	EXTENSION
MISC INDIRECT LABOR	0.00	0.00	31.64	0.00	7.50	7.50	0.00
PROJECT MANAGER	2.50	35.00	31.64	11.07	7.50	53.57	133.94
SUPERINTENDENT	0.00	0.00	31.64	0.00	0.00	0.00	0.00
GENERAL FOREMAN	0.00	0.00	31.64	0.00	0.00	0.00	0.00
FOREMAN	0.00	0.00	31.64	0.00	0.00	0.00	0.00
DRAFTSMAN	0.00	0.00	31.64	0.00	0.00	0.00	0.00
STOCKMAN / PURCHASING	0.00	0.00	31.64	0.00	0.00	0.00	0.00
TRUCK DRIVER	0.00	0.00	31.64	0.00	0.00	0.00	0.00
TRAVEL TIME	0.00	0.00	31.64	0.00	0.00	0.00	0.00
MOBILIZATION LABOR	0.00	0.00	31.64	0.00	0.00	0.00	0.00
AS BUILT DRAWINGS	0.00	0.00	31.64	0.00	0.00	0.00	0.00
SAFETY	0.00	0.00	31.64	0.00	0.00	0.00	0.00
ESTIMATING	1.00	35.00	31.64	11.07	7.50	53.57	53.57
GUARANTEE	0.00	0.00	31.64	0.00	0.00	0.00	0.00
<b>SUBTOTAL</b>	<b>3.50</b>						<b>187.51</b>

**DJC**

DJC	QTY	COST/UNIT	% OF DIR LBR	TAX%	MDJ%	EXTENSION
MISC DIRECT JOB COSTS		3,263.85			10.00	3,263.85
SPECIFIED ALLOWANCES		0.00				0.00
SPECIAL INSURANCE CHG		0.00				0.00
EQUIPMENT DEPRECIATION			0.50			42.34
TOOLS EXPENDABLE			2.00			169.35
FIELD STORAGE (MONTH)	0.00	0.00				0.00
OFFICE TRAILER (MONTH)	0.00	0.00				0.00
FIELD OFFICE UTIL (MONTH)	0.00	0.00				0.00
FIELD TELEPHONE (MONTH)	0.00	0.00				0.00
FIELD TOILET (MONTH)	0.00	0.00				0.00
TEMP FENCING (FEET)	0.00	0.00				0.00
TEMP POWER (PER AMP)	0.00	0.00				0.00
TEMP LIGHT (SQ FT)	0.00	0.00				0.00
UTILITY CONNECT CHARGE		0.00				0.00
LIVING ALLOWANCE (DAY)	0.00	0.00				0.00
TRAVEL EXPENSE (MILE)	0.00	0.00				0.00
FREIGHT		0.00				0.00
PERMIT FEE		0.00				0.00
MISC FEES		0.00				0.00
DJC TAX				0.00		0.00
DIR JOB COST TOTAL						3,475.54
						3,475.54

# FINAL PRICE

FINAL PRICE	ESTIMATE	ADJ %	ADJ \$	CALC \$	TAX %	% OF JOB
DATABASE MATERIAL	32,638.50	0.00	0.00	32,638.50	0.00	66.28
QUOTED MATERIAL	0.00	0.00	0.00	0.00	0.00	0.00
MATERIAL/QUOTE TAX				0.00		0.00
MATERIAL TOTAL				32,638.50		
DIRECT LABOR	8,467.67	0.00	0.00	8,467.67	0.00	17.19
INDIRECT LABOR	187.51	0.00	0.00	187.51		0.38
LABOR TAX				0.00		0.00
LABOR TOTAL				8,655.18		
EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00
SUBCONTRACTORS	0.00	0.00	0.00	0.00	0.00	0.00
EQUIP & SUBCONT TAX				0.00		0.00
EQUIP & SUB TOTAL				0.00		
DIRECT JOB COSTS	3,475.54	0.00	0.00	3,475.54		7.06
SUBTOTAL 1				44,769.22		
MATERIAL OVERHEAD		0.00		0.00		0.00
QUOTES OVERHEAD		0.00		0.00		0.00
LABOR OVERHEAD		0.00		0.00		0.00
EQUIPMENT OVERHEAD		0.00		0.00		0.00
SUBCONTRACTS OVERHEAD		0.00		0.00		0.00
DJC OVERHEAD		0.00		0.00		0.00
TOTAL OVERHEAD				0.00		
SUBTOTAL 2				44,769.22		
MATERIAL PROFIT		10.00		3,263.85		6.63
QUOTES PROFIT		10.00		0.00		0.00
LABOR PROFIT		10.00		865.52		1.76
EQUIPMENT PROFIT		10.00		0.00		0.00
SUBCONTRACTS PROFIT		10.00		0.00		0.00
DJC PROFIT		10.00		347.55		0.71
TOTAL PROFIT				4,476.92		
SUBTOTAL 3				49,246.14		
JOB TAX				0.00	0.00	0.00
BOND CALCULATOR		0.00		0.00		0.00
MISC TOTAL				0.00		100.00
JOB TOTAL				49,246.14		



# **JOB INFO**

JOB INFO	VALUE	SQ FT COST	UNIT COST	DAYS
JOB SQUARE FOOTAGE	1.00			
PRICE PER SQ. FOOT		49,246.14		
DIR LABOR HRS SQ		167.20		
DIR LABOR \$ SQ FT		8,467.67		
QUANTITY OF UNITS	1.00			
PRICE PER UNIT			49,246.14	
JOB DURATION				0.00
RISK RATIO %	37.71			
RISK \$	5,391.33			





**Huneke Enterprises, LLC**  
**Electrical Contractor**  
**TECL # 20232**

Date: 05-23-22

**CHANGE ORDER #: 004**  
**GENERAL CONTRACTOR: Imperial Construction**

**JOB NAME: Midlothian Stadium**

WE THE CONTRACTOR & CUSTOMER AGREE TO MAKE THE FOLLOWING CHANGES AS SPECIFIED BELOW FOR THE SUM OF **\$16,132.72** WILL BE ADDED TO THE ORIGINAL CONTRACT AMOUNT.

WITH THE SUBMISSION OF THIS CHANGE ORDER THE CONTRACTOR REQUESTS **5** DAYS TO BE ADDED TO THE EFFECTIVE COMPLETION DATE. NO WORK SHALL COMMENCE ON THE WORK COVERED BY THIS CHANGE ORDER UNTIL IT IS RECEIVED BY THE CONTRACTOR SIGNED AND EXECUTED BY THE CUSTOMER.

CHANGES TO THE ORIGINAL CONTRACT

**Material and Labor cost associated with repairs to damaged gear.**

Description	Material	Labor	Equipment	Subtotal	Tax	5% OH & P	Total
Gear repairs	\$ 15,364.50	\$ -	\$ -	\$ 15,364.50	\$ -	\$ 768.22	\$ 16,132.72
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Change Proposal:</b>							<b>\$ 16,132.72</b>

The price & conditions for this change order are satisfactory and hereby accepted. The Contractor shall not be responsible for redesigning nor upgrade any power distribution system that may be affected by the added electrical load, if any, of this change. This change order upon its execution shall become part of and conform to the terms and conditions of the existing contract as identified above.

I \_\_\_\_\_ am authorized to accept and sign this change order because I am the customer named above, or because I am acting for the customer as his agent.

Customer's signature: \_\_\_\_\_

Date: \_\_\_\_\_

May 2, 2022

Mr. Daniel Jock  
Elliott Electric Supply - Dallas TX (#34)  
11333 Petal Street  
Dallas, TX 75238

Re: Elliott-Midlothian Stadium Panel Repair  
Shermco Quote # SIQ-08352-22

Dear Daniel:  
Shermco Industries is pleased to provide the following quotation:

<b>PRICE .....</b>	<b>\$ 11,220.00</b>
<b>ADDER: REPLACE 400A I-LINE BREAKER PRICE .....</b>	<b>\$ 4,144.50</b>
<b>ADDER: REPLACE 250A I-LINE BREAKER PRICE .....</b>	<b>\$ 4,144.50</b>
<b>ADDER: REPLACE NEUTRAL SENSOR PRICE .....</b>	<b>\$ 6,334.50</b>

Applicable taxes not included, terms net 30 days. All sales subject to Shermco Industries, Inc. standard terms and conditions dated 2-24-2022. All freight will be prepaid and added to the invoice.

### WORKSCOPE

Shermco will provide NETA certified technician(s) to replace the damaged parts of the panel as seen from the onsite visual inspection. Due to the panel being energized at the time of the inspection, Shermco was unable to remove the breakers or bus to do an extensive inspection. If further issues are found after the panel interior is removed, there may be additional charges. The (2) I-Line breakers that had the conductors pulled out will be inspected for damage. The breakers will be tested and certified at Shermco's Breaker Shop. Additionally, Shermco will also test and certify the neutral CT. Shermco has included adder pricing (listed above) for replacing the two breakers or neutral CT in the event that the equipment fails any inspections or tests.

Note: If either of the two breakers require replacement, they will be replaced with used, tested, and certified breakers that will required a 3-5 day lead time. There will also be a similar lead time if the neutral sensor required replacement as well.

### SCHEDULE

Personnel will be scheduled upon written acceptance of this proposal in the form of a contract, work order, purchase order, or similar documentation. Allow two (2) weeks from receipt of acceptance for scheduling of personnel and equipment. All efforts will be made to accommodate the project schedule; however, personnel and equipment are scheduled on a first come, first served basis.

Monday through Friday 7:00AM until 4:00 PM will be billed at a straight time (ST) rate.  
Monday through Friday before 7:00AM or after 4:00PM will be billed at an overtime (OT) rate.  
Saturday and after eight consecutive ST hours worked will be billed at an OT rate.  
Sunday and after twelve consecutive hours worked will be billed at a premium time (PT) rate.

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	District Student Code of Conduct for 2022-2023 School Year	
<b>Agenda Location:</b>	DISCUSSION/ACTION: ADMINISTRATION & HUMAN RESOURCES	
<b>Template Attachments:</b>	Yes	PDF - <a href="#">Student Code of Conduct 22/23</a>
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> It is required that the board of trustees annually approve the District Student Code of Conduct.</p> <p><b>WHAT:</b> The only changes for the 22-23 school year are the names of employees with updated district role changes.  <a href="#">Student Code of Conduct 22/23</a></p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Primary)</i>	3.1 Commit to MISD Cultural Tenets in a Way that Ensure Staff and Student Well-being	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	3.2 Strive to Be a Listening and Learning Organization Aligned with Stakeholder Engagement	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	Chapter 37
<b>Policy Reference: (1) / (2)</b>	N/A	N/A
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	Possible motion would be: I move that the board approve the MISD Student Code of Conduct for the 22-23 school year as presented.	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Krista Tipton (ED)
	District Leadership	Executive Director (ED) or Director (D)

# Midlothian ISD Student Code of Conduct

2022-2023



If you have difficulty accessing the information in this document because of disability, please contact [krista.tipton@msd.gs](mailto:krista.tipton@msd.gs) or at 469-856-5000

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# **Student Code of Conduct**

## **Accessibility**

If you have difficulty accessing the information in this document because of disability, please contact Krista Tipton, Executive Director of Administration and Student Services or 469-856-5000.

## **Purpose**

The Student Code of Conduct (“Code”), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the *Midlothian ISD* board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the campus principal’s office. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy. In the event of a conflict between the Code and the Student Handbook, the Code shall prevail.

**Please note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.



## **School District Authority and Jurisdiction**

School rules and the district's authority to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

- During the regular school day;
- While the student is traveling on district transportation;
- During lunch periods in which a student is allowed to leave campus;
- At any school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
- When a student engages in cyberbullying, as defined by Education Code 37.0832;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
- When the student is required to register as a sex offender.

## **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at [www.misd.gs](http://www.misd.gs)

## **Threat Assessment and Safe and Supportive School Team**

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code.

## **Searches**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

## **Reporting Crimes**

The campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

## **Security Personnel**

To ensure the security and protection of students, staff, and property, the board employs school resource officers (SROs), part time police officers *and* safety personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

### **The law enforcement duties of school resource officers are:**

- Protecting the safety and welfare of any person within the jurisdiction of the officer, and protecting the property of the District, as required by Texas Education Code 37.08(d);
- Patrolling school property during and after school hours;
- Answering call for assistance from school officials;
- Making reports on all criminal activities and filing of cases with the proper authorities
- Answering calls and facilitating dispute resolution between schools, schools and school authorities, parents and school officials, or any other agreed upon disputes;
- Answering alarms;
- Answering calls for assistance with custody issues;
- Eating at the schools several times each month in order to give the schools the chance to know the officer as a friend and not someone to distrust;
- Meeting with the school council, or other similar groups, whenever possible;
- Assist with the District Attendance Officer;
- Assist with Home Visits to verify residency;
- Providing testimony in school discipline conferences and hearings, as requested by the District;
- Facilitating and maintaining good relations between the District and other law enforcement units and officers;
- Providing traffic control and direction at locations and during time specified by the District;
- Provide police and supervisory duties as requested by the District and as authorized in the discretion of the Chief of Police;
- Provide a positive image of law enforcement to students, parents and the community;
- Be thoroughly familiar with the laws relating to juveniles;
- Serve as a resource to faculty and parents in developing workshops on violence prevention, drug awareness, gang involvement, gun safety, school safety, substance abuse, and other public safety topics as appropriate;
- Be familiar with the schools crisis response plan and assist with crisis response drills;
- Submit appropriate police department documents regarding incidents requiring

- documentation;
- Review student records as legally appropriate, understanding that these records are confidential and law enforcement sensitive and cannot be shared with unauthorized persons.

**The duties of District safety personnel are:**

- Patrol assigned campuses, monitor student behavior and enforce school rules related to student conduct, vehicle operation, and parking;
- Resolve conflict or confrontation between students and report disturbances to the principal or assistant principal;
- Control traffic and parking on campus grounds during school hours and at after hour events;
- Register student vehicles and maintain an accurate record of registration;
- Work cooperatively with office personnel to inform student of problems with vehicles;
- Assist law enforcement personnel as needed;
- Notify proper authorities of any situation needing immediate attention;
- Give directions or act as a guide to authorized visitors

**“Parent” Defined**

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

**Participating in Graduation Activities**

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code of Conduct.

Participation might include a speaking role, as established by district policy and procedures. Please see District policy FNA (LOCAL), FNA (LEGAL) and FMH (LEGAL)

No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

See **DAEP—Restrictions During Placement** for information regarding a student assigned to DAEP at the time of graduation.

**Unauthorized Persons**

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district’s grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.

## **Standards for Student Conduct**

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

Midlothian ISD values the diversity of its students and staff members. It is the position of the MISD that the use of slurs or offensive language that targets specific groups as defined below, in the school environment is unacceptable and tends to create a hostile work and educational environment. Such language includes, but not limited to, the use of slurs or offensive language related to race, color, ethnicity, religion, sex, national origin, disability, age, sexual orientation, gender expression, gender identity, or any legally protected characteristic. Use of such language by a student shall constitute a violation of the Student Code of Conduct and shall result in disciplinary action in accordance with the Student Code of Conduct. In order to maintain a safe and appropriate educational environment for students and employees, all district employees are required to report such violations of the Student Code of Conduct to the appropriate campus administrator. Policy FFH.

## General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension**, **DAEP Placement**, **Placement and/or Expulsion for Certain Offenses**, and **Expulsion**, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting**.

### Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

### Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses**.)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

## Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP— Placement and/or Expulsion for Certain Offenses.**)
- Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses.**)
- Enter, without authorization, district facilities that are not open for operations.

## Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- \*A location-restricted knife; (See Glossary)
- \*A club;
- \*A firearm;
- A stun gun;
- Knuckles;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device; (See Glossary)
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

\*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses**. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

### **Possession of Telecommunications or Other Electronic Devices**

Students shall not:

- Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.

### **Illegal, Prescription, and Over-the-Counter Drugs**

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement and Expulsion** for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See **glossary** for “abuse.”)
- Abuse over-the-counter drugs. (See **glossary** for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment to the body or mind. (See **glossary** for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

### **Misuse of Technology Resources and the Internet**

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct

causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

### **Safety Transgressions**

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

### **Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.



## **Discipline Management Techniques**

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

### **Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see **glossary**) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### **Techniques**

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.

- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in **Out-of-School Suspension**.
- Placement in a DAEP, as specified in **DAEP**.
- Expulsion and/or placement in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses**.
- Expulsion, as specified in **Expulsion**.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

### **Prohibited Aversive Techniques**

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.

- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

### **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code.

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). Disciplinary measures other than out of school suspension, placement in a DAEP or expulsion may not be appealed beyond the campus level. A copy of the FNG (LOCAL) policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office, or through Policy On Line at the following address: [www.misd.gs](http://www.misd.gs)

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

## **Removal from the School Bus**

A bus driver may refer a student to the campus behavior coordinator's office to maintain effective discipline on the bus. The campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## **Removal from the Regular Educational Setting**

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

### **Routine Referral**

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code to maintain effective discipline in the classroom.

### **Formal Removal**

A teacher may initiate a formal removal from class if:

- A student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the class or with other students' ability to learn; or
- The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

### **Returning a Student to the Classroom**

A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, may not be returned to the teacher's class without the teacher's consent.

A student who has been formally removed by a teacher for any other conduct may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

## **Out-of-School Suspension**

### **Misconduct**

Students may be suspended for behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

### **Process**

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

- Self-defense (see **glossary**),
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history,
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

### **Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course the student was enrolled in at the time of removal. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

## **Disciplinary Alternative Education Program (DAEP) Placement**

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

- Self-defense (see **glossary**),
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history,
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

### **Discretionary Placement: Misconduct That May Result in DAEP Placement**

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

#### **Misconduct Identified in State Law**

In accordance with state law, a student **may** be placed in a DAEP for any of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Criminal mischief, not punishable as a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see **glossary**) that the student engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, that occurs off school property and not at a school-



sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The campus behavior coordinator **may** place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

### **Mandatory Placement: Misconduct That Requires DAEP Placement**

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in **Expulsion**. (See **glossary** for "under the influence" "controlled substance," and "dangerous drug.")
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in **Expulsion**.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
  - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion**.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (see **glossary**),

- A court or jury finds that the student has engaged in delinquent conduct (see **glossary**), or
- The superintendent or designee has a reasonable belief (see **glossary**) that the student engaged in the conduct.

### **Sexual Assault and Campus Assignments**

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### **Process**

Removals to a DAEP shall be made by the campus behavior coordinator.

### **Conference**

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the campus behavior coordinator or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

### **Consideration of Mitigating Factors**

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

- Self-defense (see **glossary**),
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history,
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

## **Placement Order**

After the conference, if the student is placed in a DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

## **Coursework Notice**

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete, at no cost to the student, a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation. The notice shall include information regarding all methods available for completing the coursework.

## **Length of Placement**

The campus behavior coordinator shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

## **Exceeds One Year**

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

## **Exceeds School Year**

Students who are in a DAEP placement at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

- The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
- The student has engaged in serious or persistent misbehavior (see **glossary**) that violates the district's Code.

### **Exceeds 60 Days**

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Policy On Line at the following address: [www.misd.gs](http://www.misd.gs)

Appeals shall begin at Level One with the campus behavior coordinator or school principal.

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

### **Restrictions During Placement**

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities **unless otherwise specified in the DAEP placement order**.

### **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Additional Misconduct**

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

## **Notice of Criminal Proceedings**

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

- Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication (see **glossary**), or deferred prosecution will be initiated; or
- The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parents may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

## **Withdrawal During Process**

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

## **Newly Enrolled Students**

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district including a district in another state.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly

enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### **Emergency Placement Procedure**

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

### **Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA(LEGAL) for more information.

## **Placement and/or Expulsion for Certain Offenses**

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

### **Registered Sex Offenders**

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the student shall be placed in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed in the regular classroom if the board or its designee determines that the student's presence:

- Threatens the safety of other students or teachers,
- Will be detrimental to the educational process, or
- Is not in the best interests of the district's students.

### **Review Committee**

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

### **Newly Enrolled Students**

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

### **Appeal**

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

### **Certain Felonies**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to

aggravated robbery or a felony offense under Title 5 (see **glossary**) of the Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

- The date on which the student's conduct occurred,
- The location at which the conduct occurred,
- Whether the conduct occurred while the student was enrolled in the district, or
- Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

### **Hearing and Required Findings**

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

- Threatens the safety of other students or teachers,
- Will be detrimental to the educational process, or
- Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

### **Length of Placement**

The student is subject to the placement until:

- The student graduates from high school,
- The charges are dismissed or reduced to a misdemeanor offense, or
- The student completes the term of the placement or is assigned to another program.

### **Placement Review**

A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the



student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

**Newly Enrolled Students**

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

## Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

- Self-defense (see **glossary**),
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history,
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

### Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement**)

#### Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Breach of computer security. (See **glossary**.)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

### **At School, Within 300 Feet, or at a School Event**

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for "under the influence.")
- Selling, giving, or delivering another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See

### **glossary.) Within 300 Feet of School**

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law.

### **(See **glossary**.) Property of Another District**

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the

student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in a DAEP**

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

- Deliberate violent behavior that poses a direct threat to the health or safety of others;
- Extortion, meaning the gaining of money or other property by force or threat;
- Conduct that constitutes coercion, as defined by Penal Code 1.07; or
- Conduct that constitutes the offense of:
  - Public lewdness under Penal Code 21.07;
  - Indecent exposure under Penal Code 21.08;
  - Criminal mischief under Penal Code 28.03;
  - Hazing under Education Code 37.152; or
  - Harassment under Penal Code 42.07(a)(1) of a student or district employee.

### **Mandatory Expulsion: Misconduct That Requires Expulsion**

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

#### **Under Federal Law**

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See **glossary**.)

**Note:** Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

#### **Under the Penal Code**

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.) *Note:* A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
  - A location-restricted knife, as defined by state law. (See **glossary**.)

- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See **glossary**.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol, or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### **Under Age Ten**

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

### **Process**

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parents shall be invited in writing to attend the hearing.

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

### **Hearing**

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

- Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
- An opportunity to testify and to present evidence and witnesses in the student's defense, and
- An opportunity to question the witnesses called by the district at the hearing.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the Executive Director of Administration and Student Services authority to conduct hearings and expel students.

### **Board Review of Expulsion**

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

### **Expulsion Order**

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

- Self-defense (see **glossary**),
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history,
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, Executive Director of Administration and Student Services shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

## **Length of Expulsion**

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

- The student is a threat to the safety of other students or to district employees, or
- Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

## **Withdrawal During Process**

When a student's conduct requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the campus behavior coordinator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

## **Additional Misconduct**

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator or the board may issue an additional disciplinary order as a result of those proceedings.

## **Restrictions During Expulsion**

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

## **Newly Enrolled Students**

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

- The out-of-state district provides the district with a copy of the expulsion order, and
- The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

- The student is a threat to the safety of other students or district employees, or
- Extended placement is in the best interest of the student.

### **Emergency Expulsion Procedures**

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### **DAEP Placement of Expelled Students**

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

### **Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.



## Glossary

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

- Causes serious bodily injury to another;
- Uses or exhibits a deadly weapon; or
- Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - 65 years of age or older, or
  - A disabled person.

**Armor-piercing ammunition** is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is defined in part by Penal Code 28.02 as a crime that involves:

- Starting a fire or causing an explosion with intent to destroy or damage:
  - Any vegetation, fence, or structure on open-space land; or
  - Any building, habitation, or vehicle:
    - (1) Knowing that it is within the limits of an incorporated city or town,
    - (2) Knowing that it is insured against damage or destruction,
    - (3) Knowing that it is subject to a mortgage or other security interest,
    - (4) Knowing that it is located on property belonging to another,
    - (5) Knowing that it has located within it property belonging to another, or
    - (6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
- Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or
- Intentionally starting a fire or causing an explosion and in so doing:
  - Recklessly damaging or destroying a building belonging to another, or
  - Recklessly causing another person to suffer bodily injury or death.

**Assault** is defined in part by Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Breach of computer security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by

or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

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

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

Bullying includes cyberbullying. (See below.) This state law on bullying prevention applies to:

- Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Chemical dispensing device** is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is defined by Penal Code 46.01 as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is defined by Education Code 37.0832 as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of

telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

**Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Discretionary** means that something is left to or regulated by a local decision maker.

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False alarm or report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

- Cause action by an official or volunteer agency organized to deal with emergencies;
- Place a person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm** is defined by federal law (18 U.S.C. 921(a)) as:

- Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
- The frame or receiver of any such weapon;
- Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such a term does not include an antique firearm.

**Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Handgun** is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** includes:

- Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
- Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or
- Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
- Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

**Hazing** is defined by Education Code 37.151 as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

- Any type of physical brutality;
- An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or

Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated. **Hit list** is defined in Education Code 37.001(b)(3) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Improvised explosive device** is defined by Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

**Indecent exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intimate visual material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**Location-restricted knife** is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.

**Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Look-alike weapon** means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

**Machine gun** as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

**Possession** means to have an item on one's person or in one's personal property, including, but not limited to:

- Clothing, purse, or backpack;
- A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
- Telecommunications or electronic devices; or

- Any school property used by the student, including, but not limited to, a locker or desk.
- **Prohibited weapon** under Penal Code 46.05(a) means:
- The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice: An explosive weapon;
- A machine gun;
- A short-barrel firearm;
- Armor-piercing ammunition;
- A chemical dispensing device;
- A zip gun;
- A tire deflation device; or
- An improvised explosive device.

**Public lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, when the person is reckless about whether another is present who will be offended or alarmed by the act.

**Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Education Code 37.121(d) are excepted from this definition.

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Code of Criminal Procedure Article 15.27.

**Self-defense** is the use of force against another to the degree a person reasonably believes is immediately necessary to protect himself or herself.

**Serious misbehavior** means:

- Deliberate violent behavior that poses a direct threat to the health or safety of others;
- Extortion, meaning the gaining of money or other property by force or threat;
- Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
- Conduct that constitutes the offense of:
- Public lewdness under Penal Code 21.07;
- Indecent exposure under Penal Code 21.08;
- Criminal mischief under Penal Code 28.03;
- Hazing under Education Code 37.152; or
- Harassment under Penal Code 42.07(a)(1) of a student or district employee.

**Serious or persistent misbehavior** includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.

- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete schoolwork as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Terroristic threat** is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

- Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 felonies** are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;

- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

**Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the in-fluence" need not be legally intoxicated to trigger disciplinary action.

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

**Zip gun** is defined by Penal Code 46.01 as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.



**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Consider T-TESS Appraisal Handbook, Calendar, and the List of Appraisers for 2022/2023 School Year	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	PDF - <a href="#">DNA LOCAL</a>
<b>If yes, then select what applies:</b>	PDF - <a href="#">Draft TTESS Manual for 2022-2023</a>	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> T-TESS was adopted by the school board as our appraisal instrument. TEC 25.351 and 25.352 DNA(Legal) and DNA(Local) Teacher Appraisal System Requirements:</p> <p>Texas Teacher Evaluation and Support System (T-TESS) is a system designed by educators to support teachers in their professional growth. T-TESS strives to capture the holistic nature of teaching – the idea that a constant feedback loop exists between teachers and students, and gauging the effectiveness of teachers requires a consistent focus on how students respond to their teacher’s instructional practices. For those reasons, each of the observable domains in T-TESS focuses on teachers and students rather than separating them out into separate domains. Ultimately, T-TESS is a process that seeks to develop habits of continuous improvement, and the process itself best leads to that outcome when appraisers and teachers focus on evidence-based feedback and professional development decisions based on that feedback through ongoing dialogue and collaboration.</p> <p><a href="#">DNA (Local) Policy.</a></p> <p><b>WHAT:</b> Please see the <a href="#">Draft TTESS Manual for 2022-2023</a>, which includes a calendar, list of appraisers for the 2022-2023 school year, and the appraisal cycle.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 2: Capacity Building and Effective Leadership	
<b>Performance Objective:</b> <i>(Primary)</i>	2.2 Systematic Management of Individual Talent	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	4.2 Effective and Efficient Cross-departmental Work Processes	
<b>Legal Reference:</b> <b>(1) / (2)</b>	Texas Education Agency	N/A

<b>Policy Reference: (1) / (2)</b>	DNA-PERFORMANCE APPRAISAL - EVALUATION OF TEACHERS	N/A
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	This is a consent agenda item; however, should the item be pulled for discussion, a motion might be, "I move to approve the 2022-2023 T-TESS Appraisal Handbook, calendar, and list of appraisers as presented."	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Tamela Crawford (ED)
	District Leadership	Executive Director (ED) or Director (D)



**Midlothian ISD**  
**T-TESS Appraisal Handbook**  
**2022-2023**

### MISD T-TESS Certified Campus Appraisers – 2022-2023

<b>Midlothian High School</b>	<b>Midlothian Heritage High School</b>
Dr. Kalee McMullen, Principal	Ketura Madison, Principal
Natasha Newsome, Associate Principal	Hollie Robinson, Associate Principal
Catherine Dearing, Assistant Principal	Jimmy Spradley, Assistant Principal
Brett Ratzlaff, Assistant Principal	Dr. Lyntoria Davis, Assistant Principal
Chris Cravey, Assistant Principal	<b>Walnut Grove Middle School</b>
Jonathon Pollard, Assistant Principal	Carly Woolery, Principal
<b>Frank Seale Middle School</b>	David Fontenot, Assistant Principal
Dr. Cynetria McGriff, Principal	Natalie Dennington, Assistant Principal
Megan Pearson, Assistant Principal	<b>Baxter Elementary</b>
Chris Foster, Assistant Principal	Trina Silmon, Principal
<b>Dieterich Middle School</b>	Kristen Shelton, Assistant Principal
Dr. Amanda Rodgers, Principal	<b>Vitovsky Elementary</b>
Sherise Webster, Assistant Principal	Hollye Walker, Principal
Joseph Kelly, Assistant Principal	Katie Bergvall, Assistant Principal
<b>Irvin Elementary</b>	<b>Longbranch Elementary</b>
Khourie Jones, Principal	Karena Blackwell, Principal
Christy Shelton, Assistant Principal	Cari Nix, Assistant Principal
<b>Miller Elementary</b>	<b>McClatchey Elementary</b>
Dr. Shannon West, Principal	Alisha Cunningham, Principal
Katelyn Self, Assistant Principal	La-shea Slaydon, Assistant Principal
<b>Mt. Peak Elementary</b>	<b>The MILE</b>
Adam Henke, Principal	Kris Vernon, Administrator
Tiffany Peterman, Assistant Principal	Tyesha Glover, Assistant Principal
<b>Jean Coleman Elementary</b>	
Kara Wendel, Principal	
Suzanne Wyatt, Assistant Principal	<i>*Appraiser list may be updated during school year.</i>

## **MISD T-TESS Certified Central Office Appraisers – 2022-2023**

**Jennifer Ellison**, Chief of Staff

**Shelle Blaylock**, Assistant Superintendent of Curriculum and Instruction

**Dr. Aaron Williams**, Assistant Superintendent of Administration and Human Resources

**Tamela Crawford**, Executive Director of Human Resources

**Becki Krsnak**, Executive Director of Curriculum and Instruction

**Krista Tipton**, Executive Director of Administration and Student Services

**Melissa Wolfe**, Executive Director of Specialized Learning

**Shannon Thompson**, Director of Specialized Learning

**Shelle Hubbard**, Coordinator of Math and Science (Gr. 4-12)

## APPRAISAL SCHEDULE - MISD ADMIN REGS

### ANNUAL APPRAISAL

District teachers, including those who are eligible for a local designation under the Teacher Incentive Allotment and are included in a data-capture group, shall be appraised annually.

### EXCEPTION

Teachers who have received a designation as recognized, exemplary, or master under the Teacher Incentive Allotment shall be eligible for data-capture annually for the purpose of increasing their local designation level and shall continue to be appraised annually.

Teachers who are eligible for less frequent evaluations in accordance with law [see DNA(LEGAL)] and the local criteria established in this policy shall be appraised in accordance with the provisions below.

The following teachers will be placed in the TIA data-capture group for the 2022-2023 school year:

- Kindergarten – 1<sup>st</sup> Grade Reading
- 2<sup>nd</sup> – 8<sup>th</sup> Grade Reading, Math, Science
- English I
- English II
- Geometry
- Biology

### LESS-THAN-ANNUAL ELIGIBILITY

In addition to meeting the eligibility requirements in state rules (including written consent), to be eligible for less-than-annual evaluations under the T-TESS, a teacher shall:

1. Be employed on an educator term contract;
2. Hold SBEC Certification;
3. Have served at the current campus for at least one year; and
4. Received summative ratings of at least Proficient on nine of the sixteen dimensions and did not identify any areas of deficiency, defined as rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in 19 Administrative Code 150.1002(a) or the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2).
5. Not be in an eligible data-capture group to be evaluated for local designation under the [Teacher Incentive Allotment](#).

*A teacher who receives a local designation of recognized, exemplary, or master under the Teacher Incentive Allotment may opt out of annual appraisals for a period of time as described in DNA(LEGAL). Until such time, the teacher shall be required to participate in another data-capture group.*

## **FREQUENCY**

Eligible teachers shall be appraised every three years.

During any school year when a complete appraisal is not scheduled for an eligible teacher, either the teacher or the principal may require that an appraisal be conducted (*no matter what cycle the teacher is on*) by providing written notice to the other party.

A teacher's supervisor shall have the authority to return a teacher to the traditional appraisal cycle as a result of performance deficiencies documented in accordance with state rule.

## **ANNUAL REVIEW PROCESS**

In the years in which a T-TESS appraisal is not scheduled for an eligible teacher, the teacher shall participate in an annual review process that includes:

1. The Goal-Setting and Professional Development Plan process;
2. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
3. A modified end of year conference that addresses:
  - a. The progress of the Goal-Setting and Professional Development Plan;
  - b. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
  - c. The following year's Goal-Setting and Professional Development Plan.

### **19 TAC 150.1003(I)**

The annual review process shall produce a written document to be presented to the teacher, signed by the teacher and supervisor, and maintained in the personnel file.

**Request for Second Appraisal - See DNA (LEGAL)**  
**Teacher Response and Rebuttal - See DNA (LEGAL)**

## T-TESS Appraisal Calendar - Probationary & Term Contract Employees

### T-TESS Appraisal for Probationary Contract Employees:

First year (new to profession) teachers on a probationary contract must be evaluated by the campus principal. New to district/campus probationary contract teachers with two or more years of experience can be appraised by the campus assistant principal or principal. Once on term contract, employee is eligible to join the 3-year T-TESS cycle according to last digit of birth year. If an assistant principal is evaluating any teacher at any time and has a concern, it is expected that the campus principal will conduct at least 1 walkthrough on that teacher, no matter who the assigned appraiser is for that year.

### T-TESS Appraisal for Term Contract Employees for Eligible Teachers

	<b>Cycle A - Term contract teacher with a birth year ending in 0, 1, 2</b>	<b>Cycle B - Term contract teacher with a birth year ending in 3, 4, 5</b>	<b>Cycle C- Term contract teacher w/ a birth year ending in 6, 7, 8, 9</b>
<b>2022-2023</b>	<b>No formal appraisal, but process does include:</b> <ul style="list-style-type: none"> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• Modified EOY Conf/Conversation for SLO</li> </ul>	<b>No formal appraisal, but process does include:</b> <ul style="list-style-type: none"> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• Modified EOY Conf/Conversation for SLO</li> </ul>	<b>Formal Appraisal for birth year ending: 6, 7, 8, 9</b> Formal Appraisal includes: <ul style="list-style-type: none"> <li>• PreConf; Observation Cycle; PostConf</li> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• EOY Conf for Summative &amp; SLO</li> </ul>
<b>2023-2024</b>	<b>Formal Appraisal for birth year ending: 6, 7, 8, 9</b> Formal Appraisal includes: <ul style="list-style-type: none"> <li>• PreConf; Observation Cycle; PostConf</li> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• EOY Conf for Summative &amp; SLO</li> </ul>	<b>No formal appraisal, but process does include:</b> <ul style="list-style-type: none"> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• Modified EOY Conf/Conversation for SLO</li> </ul>	<b>No formal appraisal, but process does include:</b> <ul style="list-style-type: none"> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• Modified EOY Conf/Conversation for SLO</li> </ul>
<b>2024-2025</b>	<b>No formal appraisal, but process does include:</b> <ul style="list-style-type: none"> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• Modified EOY Conf/Conversation for SLO</li> </ul>	<b>Formal Appraisal for birth year ending: 3, 4, 5</b> Formal Appraisal includes: <ul style="list-style-type: none"> <li>• PreConf; Observation Cycle; PostConf</li> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one per quarter, summative-last quarter)</li> <li>• Stu. Growth Measure-SLO</li> <li>• EOY Conf for Summative &amp; SLO</li> </ul>	<b>No formal appraisal, but process does include:</b> <ul style="list-style-type: none"> <li>• GSPD Plan;</li> <li>• Documented Walk-throughs (3 total; one each quarter and summative in last quarter)</li> <li>• Student Growth Measure - SLO</li> <li>• Modified EOY Conf/Conversation for SLO</li> </ul>

**\*NOTE: Cycles rotate on a three-year basis**



## 2022 - 2023 Appraisal Calendar

### Texas Teacher Evaluation Support System (T-TESS)

Month	Action	Person(s) Responsible	Required Document
June/July/ August	<ul style="list-style-type: none"> <li>Returning administrators must successfully complete TTESS Recertification prior to school starting - Go to <a href="https://www.teachfortexas.org/Default">https://www.teachfortexas.org/Default</a> &gt; Appraisers &gt; Certification Test (then login)</li> </ul>	<ul style="list-style-type: none"> <li>District and Campus Administration</li> </ul>	<ul style="list-style-type: none"> <li>T-TESS Recertification Certificate</li> <li>Email cert to Tamela.crawford@misd.gs</li> </ul>
August	<ul style="list-style-type: none"> <li><b>New to District - Teacher Training for T-TESS</b> - Campus Responsibility - List will be provided to each campus by Becki K after August 1st. Must be completed by <b>9/9/22</b>.</li> <li>If new hires already have full TTESS training, they can do refresher with your staff.</li> <li>If new hires need "new to TTESS" training, APs can train on campus.</li> </ul>	<ul style="list-style-type: none"> <li>Assistant Principals</li> </ul>	<ul style="list-style-type: none"> <li>T-TESS Training Materials</li> <li>Sign-in and document in Edugence for credit</li> </ul>
	<ul style="list-style-type: none"> <li><b>Returning teacher refresher training</b> (1 hr) - Not later than the first three weeks of school and at least two weeks before the first observation - Training materials on TTESS - Login &gt; Appraiser &gt; Orientation Materials &gt; Teacher Refresher</li> </ul>	<ul style="list-style-type: none"> <li>Campus Administrators</li> </ul>	<ul style="list-style-type: none"> <li>Sign-In and document in Edugence for credit</li> </ul>
September	<ul style="list-style-type: none"> <li>For Term Teachers on Cycle A and B and non-TIA eligible, T-TESS cycle waiver submission due by September <b>9/9/22</b>.</li> </ul>	<ul style="list-style-type: none"> <li>Campus Administrators &amp; Teacher</li> </ul>	<ul style="list-style-type: none"> <li>T-TESS Cycle Waiver</li> </ul>
	<ul style="list-style-type: none"> <li>Returning Teachers submit new goal &amp; complete GSPD plan by <b>9/16/22</b> (w/in first 6 weeks)</li> <li>New Teachers have goal setting meeting with appraiser by <b>9/16/22</b> (w/in first 6 weeks)</li> </ul>	<ul style="list-style-type: none"> <li>Appraiser</li> <li>Teacher</li> </ul>	<ul style="list-style-type: none"> <li>T-TESS Goal Setting form on Edugence</li> </ul>
	<ul style="list-style-type: none"> <li>Pre-Observation Conferences for full T-TESS Cycles (<b>Beginning 9/6/22</b>)</li> <li>A pre-conference must be held prior to a formal observation</li> </ul>	<ul style="list-style-type: none"> <li>Appraiser schedules conference</li> </ul>	<ul style="list-style-type: none"> <li>Observation form on Edugence</li> </ul>
	<ul style="list-style-type: none"> <li>"Late hires" complete training/procedure review within 3 weeks of their start date.</li> <li>"Late hires" Goal setting conference with appraiser conducted within 6wks after TTESS training.</li> <li>"Late hires" observation cycle may begin 2 weeks after their TTESS orientation.</li> </ul>	<ul style="list-style-type: none"> <li>District Admin/APs</li> <li>Teachers needing TTESS training</li> </ul>	<ul style="list-style-type: none"> <li>T-TESS Training Materials</li> </ul>
October	<ul style="list-style-type: none"> <li>SLO submission in Edugence by <b>10/14/22</b> (end of first 9 weeks)</li> </ul>	<ul style="list-style-type: none"> <li>Appraiser</li> <li>Teacher</li> </ul>	<ul style="list-style-type: none"> <li>SLO in Edugence</li> </ul>
September – March	<ul style="list-style-type: none"> <li>Artifacts of evidence for Domain 4 should be collected throughout the year in preparation for end of year conferences that will be held in April and May (<b>Ongoing</b>)</li> </ul>	<ul style="list-style-type: none"> <li>Teacher collects and completes evidence</li> </ul>	<ul style="list-style-type: none"> <li>Teacher artifacts</li> </ul>
	<ul style="list-style-type: none"> <li>1 Formal Observation for full T-TESS Cycle (45 min. <b>minimum</b>) will be conducted - complete a lesson cycle. (<b>Observation window 9/12/2022-3/31/2023</b>).</li> </ul>	<ul style="list-style-type: none"> <li>Appraiser conducts observation and completes form</li> <li>Teacher signs form</li> </ul>	<ul style="list-style-type: none"> <li>T-TESS Observation Rubric (Domains 1-</li> </ul>

	<ul style="list-style-type: none"> <li>3 Informal Observations / Walkthroughs - 1 each quarter (15 min. minimum) <b>(Walk-through window 9/12/2022-4/28/2023)</b></li> <li>M.O.Y. SLO process check-in conference with teachers (January/February)</li> </ul>		3) in Edugence
March - May	<ul style="list-style-type: none"> <li>Teacher shares artifacts and evidence with appraiser at least <b>5 days prior</b> to the End of Year Conference.</li> </ul>	<ul style="list-style-type: none"> <li>Teacher</li> </ul>	<ul style="list-style-type: none"> <li>Options: Upload artifacts in Edugence as attachments or share in Google Drive to appraiser</li> </ul>
	<ul style="list-style-type: none"> <li>Teacher completes the Teacher Self-Assessment and Goal Setting Part 2 and Professional Development Plan prior to End of Year conference.</li> <li>Identify potential goals and professional development activities for the next school year.</li> <li>E.O.Y. SLO conference within summative.</li> </ul>	<ul style="list-style-type: none"> <li>Teacher</li> </ul>	<ul style="list-style-type: none"> <li>Teacher Self-Assessment and Goal Setting Form in Edugence</li> </ul>
April & Early May	<p><b>TEC §150.1003. Appraisals, Data Sources, and Conferences.</b></p> <ul style="list-style-type: none"> <li>*End of Year/Summative Conferences must occur no later than 15 working days before the last day of instruction for students (<b>no later than 5/5/23</b>)</li> <li>Written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the End of Year conference and no later than 15 working days before the last day of instruction for students (<b>if you do a summative <u>ON</u> the deadline date of 5/5/23, the written report is <u>ALSO</u> due that same day to meet the rule requirement</b>).</li> </ul> <p>*Note: Per DNA(Legal), any documentation collected after the end-of-year/summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any dimension, another summative report shall be developed to inform the teacher of the changes.</p>	<ul style="list-style-type: none"> <li>Appraiser schedules conference and completes form</li> <li>Teacher signs form</li> </ul>	<ul style="list-style-type: none"> <li>T-Tess Summative Form (Domains 1-4) in Edugence</li> </ul>
May	<p>Campus turns in signed Summative Forms by <b>5/26/2023</b> to Tamela Crawford. <b>Include a roster with your folder.</b></p> <p>Campus turns in signed appraisals for paras, counselors, LMS, APs, and other non T-TESS employees by <b>5/26/23</b> to Tamela Crawford.</p>		

It is the teacher's responsibility to electronically sign required forms in Edugence within specified timelines.

# TEACHER APPRAISAL TIMELINE

## IMPORTANT DATES -

- **9/12/22 to 4/28/23** - Walkthrough Window for All Teachers
- **9/9/22** - Deadline to turn in T-TESS Cycle Waiver for term teachers on Cycle A and B and non-TIA eligible
- **9/9/22** - Deadline to train new hires on TTESS (either refresher or full training)
- **9/12/22 to 3/31/23** - Observation cycle window
- **9/16/22** - Deadline for All teachers to submit new goal and GSPD plan in Edugence
- **10/14/22** - SLO Submission Deadline
- **3/31/23** - Formal Observation Window ENDS
- **4/28/23** - Walkthrough Window ENDS - All staff required to have a MINIMUM of 3 Walkthroughs
- **April and Early May** - Timeframe for Summative Conferences and Written Reports
  - Teachers shall share artifacts & evidence to the Appraiser at least 5 days before EOYConf/Summative
- **5/5/23** - Last eligible day for End of Year Conference **AND** Written Summative Report
  - End of Year/Summative Conferences must occur no later than 15 working days before the last day of instruction for students
  - Written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the End of Year conference **AND** no later than 15 working days before the last day of instruction for students (**if you do a summative ON the deadline date of 5/5/23, the written report is ALSO due that same day to meet the rule requirement**).
- **5/26/23** - Campus principal turns in all evals to Tamela Crawford in HR Department with a copy of Staff Roster

**No formal observations to take place on any of the following days that fall within the observation window:**

- |                                |  |
|--------------------------------|--|
| ● <b>August 11-September 9</b> | First 3-4 weeks after orientation/refresher    |
| ● <b>November 18</b>           | Day before a holiday (Thanksgiving)            |
| ● <b>December 15 and 16</b>    | Day before a holiday/Early Release (Christmas) |
| ● <b>March 9 and 10</b>        | Day before a holiday (Spring Break)            |

## **Sample Cycle C Teacher: T-TESS Teacher with T-TESS Framework**

### **Formal Observation Year**

- I. Goal Setting & Professional Development Plan completed by teacher and put into Edugence by date set by district (late September)
- II. SLO forms completed in Edugence by date in mid-October set by district (within first 6-9 weeks of school)
- III. Documented Walkthroughs:
  - A minimum of three (3) documented walkthroughs must be conducted on ALL teachers.
  - Each walkthrough must be a minimum of fifteen (15) minutes in length.
  - Documentation should be shared with the teacher within ten (10) days.
- IV. Pre-Conference: The teacher will turn in a pre-conference document to his/her appraiser within 3-5 days prior to the observation window.
- V. Formal Observation:
  - Minimum 45 minutes - needs to be a full lesson cycle
  - Written summary within ten (10) working days
  - Advance notice - provide a window for teacher to pick a date and time.
- V. Post-Conference: The Post conference must be held no more than ten (10) working days after the formal observation.
- VII. Summative Annual Report and EOY Conference
  - The summative annual report in Edugence should not be scored prior to the EOY conference - Teacher will provide artifacts and evidence for Domain IV at this time.
  - The EOY conference must be held no later than 15 working days before the last day of instruction.
  - The summative annual report is scored in Edugence after the EOY conference and teacher signature is obtained within 10 working days from EOY conference.

**Sample Cycle A & B Teacher: Waiver-year T-TESS Teacher - T-TESS Framework**

<b>Steps with Their Tasks</b>	<b>Details</b>
<b>Submit Waiver</b>	<ul style="list-style-type: none"><li>• Due by district date set</li></ul>
<b>Goals for the Year:</b> <ul style="list-style-type: none"><li>• Goal Setting &amp; Professional Development Plan in Edugence</li><li>• 2 goals</li></ul>	<ul style="list-style-type: none"><li>• Submission of goals is due by September date district sets</li></ul>
<b>Student Performance Monitoring</b> <ul style="list-style-type: none"><li>• 1 SLO (Student Learning Objective) Process in Edugence</li></ul>	<ul style="list-style-type: none"><li>• Submission of the SLO is due by October date district sets (within first 6-9 weeks)</li></ul>
<b>Walkthroughs</b> <ul style="list-style-type: none"><li>• At least 3 Walkthroughs (at least one each quarter)</li></ul>	<ul style="list-style-type: none"><li>• Walkthrough templates in Edugence</li><li>• Any walkthrough combinations of appraisers count</li></ul>
<b>End of Year Conference</b> <ul style="list-style-type: none"><li>• End of Year conference to discuss goal setting (refinement/reinforcement from previous full observation)</li><li>• End of Year conference to discuss SLO</li><li>• Development of new goals and PD plan for following year</li></ul>	<ul style="list-style-type: none"><li>• End of Year conference is due 15 days before last day of school</li><li>• Summative report is due to teacher 10 days after Year-end review</li></ul>

## MIDLOTHIAN ISD T-TESS Waiver of Formal Appraisal

As permitted by state law and within the criteria established by Board policy DNA(LEGAL & LOCAL), I agree to be appraised on a less-than-annual basis.

I understand that I will be appraised at least once within each 3-year period in accordance with Board policy.

I understand that during any school year in which I am not scheduled for an appraisal under the **Teacher Evaluation and Support System (T-TESS)**, either my principal or I may require that an appraisal be conducted by providing written notice to the other party.

I understand that during my waiver process, I will continue to participate in Goal-Setting & Professional Development Plan, Walkthroughs, student growth process (SLO), and end of year conference.

Campus: \_\_\_\_\_

Teacher's name (print): \_\_\_\_\_

Teacher's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal's name (print): \_\_\_\_\_

Principal's signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*

### **Requirements for Cycle Waiver**

In addition to meeting the eligibility requirements in state rules (including written consent), to be eligible for less-than-annual evaluations under the T-TESS, a teacher shall:

1. Be employed on an educator term contract;
2. Have served at the current campus for at least one year; and
3. Received summative ratings of at least Proficient on nine of the sixteen dimensions and did not identify any areas of deficiency, defined as rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in 19 Administrative Code 150.1002(a) or the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2).
4. Not be in an eligible data-capture group to be evaluated for local designation under the [Teacher Incentive Allotment](#).

*A teacher who receives a local designation of recognized, exemplary, or master under the Teacher Incentive Allotment may opt out of annual appraisals for a period of time as described in DNA(LEGAL). Until such time, the teacher shall be required to participate in another data-capture group.*

Eligible teachers shall be formally appraised every three years.

During any school year when a complete appraisal is not scheduled for an eligible teacher, either the teacher or the principal may require that an appraisal be conducted by providing written notice to the other party.

A teacher's supervisor shall have the authority to return a teacher to the traditional appraisal cycle as a result of performance deficiencies documented in accordance with state rule.

## Goal Setting Tidbits

### **Goal Setting**

T-TESS is intended to promote continuous, professional improvement and you can see that in the Goal Setting and Professional Development Plan.

The first step in T-TESS is a goal setting meeting with your appraiser. The conference is intended to review student data and professional goals of the teachers. Actions to accomplish this goal should be discussed.

After the goal setting conference, the teacher should develop their own Goal Setting and Professional Plan. This plan must be approved by your appraiser and has to be completed and turned in no later than the sixth week after a teacher receives T-TESS orientation training.

The Goal Setting and Professional Development Plan should be updated by the teacher throughout the year. Sometimes, goals need to be adjusted and that is allowable. It is best to keep the appraiser informed of what is occurring with the plan throughout the year.

Here is a resource for the Goal-Setting and Professional Development Plan including examples:

[https://teachfortexas.org/Resource\\_Files/Evaluation\\_Process/GSPD\\_Sample\\_Document.pdf](https://teachfortexas.org/Resource_Files/Evaluation_Process/GSPD_Sample_Document.pdf)

**T-TESS Goal-Setting Tip #1:** Be realistic in your goal setting. It is great to have those “reach” goals but make sure what you develop is workable. Remember, not all “professional development” activities need to be the “sit and get” kind. It could include working with colleagues or other district professionals in a more informal setting.

## Teacher Appraisal Calendar for Staff

- **9/12/22 to 4/28/23** - Walkthrough Window for All Teachers
- **9/9/22** - Deadline to turn in T-TESS Cycle Waiver for term teachers on Cycle A and B and non-TIA eligible
- **9/9/22** - Deadline to train new hires on TTESS (either refresher or full training)
- **9/12/22 to 3/31/23** - All current employees - Observation cycle window
- **9/16/22**- Deadline for All teachers to submit new goal and GSPD plan in Eduphoria STRIVE
- **10/14/22** - SLO Submission Deadline
- **April and Early May** - Timeframe for Summative Conferences and Written Reports
- **5/5/23** - Last eligible day for End of Year Conference **AND** Written Summative Report
  - End of Year/Summative Conferences must occur no later than 15 working days before the last day of instruction for students **(no later than 5/5/23)**
  - Written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the End of Year conference and no later than 15 working days before the last day of instruction for students **(if you do a summative ON the deadline date of 5/5/23, the written report is ALSO due that same day to meet the rule requirement).**
- **5/26/23** - Campus principal turns in all evals to HR

### Formal Observation Exclusion Dates:

- |                                |  |
|--------------------------------|--|
| ● <b>August 11-September 9</b> | First 3-4 weeks after orientation/refresher    |
| ● <b>November 18</b>           | Day before a holiday (Thanksgiving)            |
| ● <b>December 15 and 16</b>    | Day before a holiday/Early Release (Christmas) |
| ● <b>March 9 and 10</b>        | Day before a holiday (Spring Break)            |



**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	District Required Staff Development Plan - Annual Approval	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	Yes	Website - <a href="#">SBEC Clearinghouse</a>
<b>If yes, then select what applies:</b>	PDF	<a href="#">District Required Trainings Professional Development Plan</a>
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> According to Education Code 21.4514 and board policy DMA (LEGAL), the Board shall annually review the professional development clearinghouse. The Board must approve its professional development plan for district personnel.</p> <p><b>WHAT:</b> The attached plan provides critical information related to required trainings provided to stakeholders as mandated by state. The board must annually review the SBEC continuing education and training clearinghouse requirements and annually approve the District's professional development plan.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.3 Continuous Improvement of Curriculum, Professional Development, and the Art and Science of Teaching	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	4.2 Effective and Efficient Cross-departmental Work Processes	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	DMA-PROFESSIONAL DEVELOPMENT - REQUIRED STAFF DEVELOPMENT	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	This is a consent agenda item; however, should the item be pulled for discussion, a motion might be, "I move to approve the 2022-2023 Professional Development plan as presented."	
<b>Presenter:</b>	Aaron Williams, Ed.D.	
	District Leadership	

**Midlothian ISD Professional Development Plan - Required Trainings 2022-23**

Required Trainings	Person/Dept Responsible	Timeframe	Frequency	How - District F2F or Compliance Training
Proactive Instructional Planning Techniques	C&I Dept./Campus Administration	Throughout the Year	Frequently throughout the Year	District Face-to-Face (F2F), Campus F2F
Suicide Prevention	Counselors and Region 10	Beginning of the Year	Annually	District F2F and in Compliance Training
Instruction of Students with Disabilities	Specialized Learning Dept.	NTO, Beginning of the Year and Throughout the Year	Several times a year	District F2F
Child Abuse, Trafficking, and Maltreatment	Counselors and Region 10	Beginning of the Year	Annually	District F2F and in Compliance Training
Trauma-Informed Care	Region 10	Beginning of the Year	Annually	Compliance Training
Student Discipline	Ex. Dir. of Student Services	Beginning of the Year	Annually	District F2F & TEA The Texas Behavior Support Initiative (TBSI)
Test Administration Training	C&I Dept./Testing Coordinator	Directly before Testing	Annually	District F2F
Cybersecurity	HR Dept	Beginning of the Year	Annually	Compliance Training/ KnowBe4 Cybersecurity Awareness Training for Texas
Reading Academies	C&I Dept.	Throughout the Year	One time	TEA and UT Meadows Center for Preventing Educational Risk - Blended Model
Gifted and Talented Education	C&I Dept	December	Annually	Responsive Learning - Online
Elective Bible Course	N/A			
TELPAS Training	C&I Dept/Bil/ESL	Throughout the Year	Annually	District F2F
Automated External Defibrillators	District Head Nurse	Throughout the Year	Annually	District F2F - American Heart Association Certification Program
Extracurriculum Activity Safety Training	Athletic Director and Head Nurse	Beginning of the Year	Biannually	UIL Coaches Certification Program
Steriods	Athletic Director and Head Nurse	Beginning of the Year		UIL Coaches Certification Program
Concussions	Athletic Director and Head Nurse	Beginning of the Year	Every 2 years	<b>For required personnel only</b> - Compliance Training -Concussions: Everything You Need to Know
Seizure Recognition and Related First Aid	District Head Nurse	Beginning of the Year	Biannually	Compliance Training - learn.epilepsy.com by the Epilepsy Foundation - Online

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Consideration of Approval of the Interlocal Participant Agreement with the National Cooperative Purchasing Alliance	
<b>Agenda Location:</b>	CONSENT	
<b>Template Attachments:</b>	No	Presentation
<b>If yes, then select what applies:</b>	Contract	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> MISD participates with several educational purchasing cooperatives in order to save money and provide more approved competitive vendors.</p> <p><b>WHAT:</b> A new opportunity exists which would allow MISD to join the National Cooperative Purchasing Alliance which is sponsored by Region 14 ESC. There is not a geographical restriction to membership so districts from across the state participate in this cooperative. There is no cost to be a member of this purchasing cooperative.</p>	
<b>Strategic Priority: (Primary)</b>	Priority 4: District Operations and Financial Stewardship	
<b>Performance Objective: (Primary)</b>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	CH-PURCHASING AND ACQUISITION	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	This item is presented as a consent item. If this item is pulled, the motion might be: "I make a motion to approve the Interlocal Purchasing Agreement with the National Cooperative Purchasing Alliance."	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Consider New Contingency Teaching Positions	
<b>Agenda Location:</b>	DISCUSSION/ACTION: ADMINISTRATION & HUMAN RESOURCES	
<b>Template Attachments:</b>	No	N/A
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> Ensuring the district has the authority to hire up to 4 additional teaching position contingent on student enrollment and the availability of funds.</p> <p><b>WHAT:</b> MISD Administration is requesting 4 contingency teaching positions for the 2022-2023 school year. These positions will only be used if funding is available and student numbers require these positions.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 2: Capacity Building and Effective Leadership	
<b>Performance Objective:</b> <i>(Primary)</i>	2.1 Recruit and Retain High-potential Talent	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	4.3 Commitment to Financial Stewardship	
<b>Legal Reference: (1) / (2)</b>	Texas Administrative Code	N/A
<b>Policy Reference: (1) / (2)</b>	N/A	N/A
<b>Fiscal Impact/Budget Function Code:</b>	The financial impact for these positions is approximately \$240,000.	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	A motion might be, "I move to approve the creation of 4 contingency teaching positions for the 2022-2023 school year."	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Tamela Crawford (ED)
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	TCG Region 10 MOU	
<b>Agenda Location:</b>	DISCUSSION/ACTION: ADMINISTRATION & HUMAN RESOURCES	
<b>Template Attachments:</b>	Yes	PDF <a href="#">FICA</a> <a href="#">457</a> <a href="#">403(b)</a>
<b>If yes, then select what applies:</b>	Contract	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> The District would like to enter MOU(s) with Region 10 for the retirement management services listed below. MOU(s) would begin the transition of retirement servicing to TCG-Region 10. This would include migrating the servicing for all 403(b), 457, and FICA-A plans to the Region 10 supported program. Transition benefits employees through higher annual yields, reduction in fees, and additional financial services for employees at no cost to the district.</p> <p><b>WHAT:</b> Provide a 457(b) Retirement Savings Plan ("Plan") to the Employer through the ESC Region 10 457 Cooperative and Master Plan. Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.</p> <p>Provide a 457(b) FICA Alternative Plan ("Plan") to the Employer through the ESC Region 10 FICA Alternative Plan and Trust. Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.</p> <p>Provide 403(b) Third Party Administration Services ("403(b) TPA Services") to the Employer through the ESC Region 10 Retirement Asset Management Services. The Employer hereby delegates to ESC Region 10 and its designated 403(b) TPA the responsibility for the 403(b) Plan functions (a) in accordance with Section 403(b) of the Internal Revenue Code and other applicable federal and state rules as may be amended from time to time and (b) as listed under "Role of ESC Region 10" below. Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 2: Capacity Building and Effective Leadership	
<b>Performance Objective:</b> <i>(Primary)</i>	2.1 Recruit and Retain High-potential Talent	

<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 2: Capacity Building and Effective Leadership	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	2.3 Development of a High-performaning Organizational System	
<b>Legal Reference: (1) / (2)</b>	Texas Administrative Code	N/A
<b>Policy Reference: (1) / (2)</b>	N/A	N/A
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Administration recommends the approval of the agenda item as presented.	
<b>Motion:</b>	A motion might be, "I move to approve and enter the TCG/Region 10 MOU Agreements as presented."	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Tamela Crawford (ED)
	District Leadership	Executive Director (ED) or Director (D)

**INTERLOCAL AGREEMENT  
Education Service Center Region 10**

**Contracting Parties**

**Education Service Center Region 10 (ESC Region 10)**

**and**

**Midlothian Independent School District (the "Employer")**

This agreement is effective September 1, 2022 ("Effective Date") and shall remain in effect for the period beginning with the Effective Date and twelve (12) months thereafter ("Term"). This agreement shall continue unchanged for successive twelve month periods following the Term unless either party gives written notice to the other party of the intent to terminate prior to ninety (90) days before the end of the Term.

**Statement of Services to be Performed:** Provide a 457(b) Retirement Savings Plan ("Plan") to the Employer through the ESC Region 10 457 Cooperative and Master Plan.

Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.

**Role of ESC Region 10**

1. Provide for the organizational and administrative structure of the program, including a Trust for investment of Plan funds, oversee the investments of the Trust, and provide a Plan document to the Employer.
2. Provide for an Investment Advisor to oversee the investments offered in the Cooperative and Master Plan and to accept fiduciary responsibility for the selection of the investments offered to employees participating in the Cooperative and Master Plan.
3. Provide staff time necessary for efficient operation of the program.
4. Initiate and implement activities related to the vendor(s) selection process.
5. Facilitate the delivery of the services purchased.

**Role of the Member School Employer:**

1. Commitment to participate in the program as indicated by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase the services designated herein when it is in the best interest of the Employer.
4. Accept the services from vendor(s) in accordance with standard procedures of the Employer.

- This agreement shall not cover any existing plan(s) sponsored by the Employer under Section 457 of the Internal Revenue Code and neither ESC Region 10 nor any of the vendors participating in the Master Plan and Cooperative shall have any responsibility whatsoever for such existing plan(s).**

Please send a copy of the signed Interlocal Agreement to TCG Administrators at [onboard@tcgservices.com](mailto:onboard@tcgservices.com).

Interlocal Agreement – Page 2



# **INTERLOCAL AGREEMENT**

## **Education Service Center Region 10**

### **Contracting Parties**

**Education Service Center Region 10 (ESC Region 10)**

**and**

**Midlothian Independent School District (the "Employer")**

This agreement is effective September 1, 2022 ("Effective Date") and shall remain in effect for the period beginning with the Effective Date and twelve (12) months thereafter ("Term"). This agreement shall continue unchanged for successive twelve month periods following the Term unless either party gives written notice to the other party of the intent to terminate prior to ninety (90) days before the end of the Term.

**Statement of Services to be Performed:** Provide 403(b) Third Party Administration Services ("403(b) TPA Services") to the Employer through the ESC Region 10 Retirement Asset Management Services.

The Employer hereby delegates to ESC Region 10 and its designated 403(b) TPA the responsibility for the 403(b) Plan functions (a) in accordance with Section 403(b) of the Internal Revenue Code and other applicable federal and state rules as may be amended from time to time and (b) as listed under "Role of ESC Region 10" below.

Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.

### **Role of ESC Region 10**

1. Provide for the organizational and administrative structure of the program, including the following 403(b) TPA Services:
  - (a) Assist Employer to develop written 403(b) Plan rules, including providing a Written Plan that meets the requirements of applicable 403(b) regulations under Section 403(b) of the Internal Revenue Code of 1986, as amended.
  - (b) Obtain agreements from vendors to comply with the Employer's Plan rules
  - (c) Screen new vendors for compliance
  - (d) Provide 403(b) Plan website and Plan data base
    - (1) All Plan transaction requests from participants (enrollment, distributions, etc.) go through the TPA via a website
    - (2) TPA monitors and implements processes for compliance with all Plan rules; all federal laws and regulations applicable to 403(b) plans; and State laws and regulations applicable to 403(b) plans, including the processes listed below
      - i. Eligibility
      - ii. Enrollment
      - iii. Contributions
      - iv. Distributions
      - v. Loans
      - vi. Transfers and Rollovers

vii. Any other services mutually agreeable to the Employer, TPA and ESC Region 10

- (e) Transactions transmitted electronically to vendors
- (f) Vendors process transactions and send electronic records to TPA
- (g) TPA (not vendors alone) maintains records of transactions to facilitate Plan audits
- (h) TPA website also used to educate employees on need for retirement savings
- (i) TPA provides common remitter of all payroll deduction contributions to vendors and ensures that contributions are remitted to employees' accounts timely and in accordance with federal and state regulations
- (j) TPA submits all employees' contributions received from Employer to all 403(b) vendors in a timely manner and in accordance with applicable state and federal regulations
- (k) TPA provides training for Employer staff and assists Employer in communicating aspects of the Plan to employees
- (l) TPA provides support for Employer in assuring that the Plan meets the "universal eligibility" requirements of Section 403(b) of the Internal Revenue Code and other applicable federal rules as may be amended from time to time
- (m) TPA provides any other services required by the final 403(b) regulations issued by the Internal Revenue Service
- (n) TPA provides reports to the Employer necessary for Plan compliance as needed and requested, including payroll and vendor account reports, distribution/account transaction reports, reports of who is participating in the 403(b) Plan and any other reports mutually agreeable to the Employer, the TPA and ESC Region 10.

2. Provide staff time necessary for efficient operation of the program.
3. Initiate and implement activities related to the TPA vendor(s) selection process.
4. Facilitate the delivery of the services purchased at an initial fee of \$1.50 per month per participant in the Employer's 403(b) Plan. This fee may be adjusted by ESC Region 10 with one hundred twenty (120) days notice prior to the end of the Term.
5. ESC Region 10 will ensure that a conflict of interest does not exist between the TPA's duties as defined herein, applicable state law and the interests of the Employer and its employees.

**Role of the Member Employer:**

1. Commitment to participate in the program as indicated by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase the services designated herein when it is in the best interest of the Employer.
4. Accept the services from TPA vendor(s) in accordance with standard procedures of the Employer.
5. Pay TPA and/or ESC Region 10 in a timely manner for all goods and services received.
6. Supply payroll data in good order to the TPA for distribution to the vendor(s) and forward participating employees' payroll deduction contributions to the TPA in a timely manner for distribution to the 403(b) vendors in the Employer's 403(b) Plan.

- Authorization:**

Interlocal Agreement – Page 3

**INTERLOCAL AGREEMENT  
Education Service Center Region 10**

**Contracting Parties**

**Education Service Center Region 10 (ESC Region 10)**

**and**

**Midlothian Independent School District (the "Employer")**

This agreement is effective September 1, 2022 ("Effective Date") and shall remain in effect for the period beginning with the Effective Date and twelve (12) months thereafter ("Term"). This agreement shall continue unchanged for successive twelve month periods following the Term unless either party gives written notice to the other party of the intent to terminate prior to ninety (90) days before the end of the Term.

**Statement of Services to be Performed:** Provide a **457(b) FICA Alternative Plan ("Plan")** to the Employer through the ESC Region 10 FICA Alternative Plan and Trust.

Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.

**Role of ESC Region 10**

1. Provide for the organizational and administrative structure of the program, including a Trust for investment of Plan funds, oversee the investments of the Trust, and provide a Plan document to the Employer.
2. Provide for an Investment Advisor to oversee the investments of the Plan and Trust and to accept fiduciary responsibility for the selection of the investments of the Plan and Trust.
3. Provide staff time necessary for efficient operation of the program.
4. Initiate and implement activities related to the vendor(s) selection process.
5. Facilitate the delivery of the services purchased.

**Role of the Member School Employer:**

1. Commit to participate in the program as indicated by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase the services designated herein when it is in the best interest of the Employer.
4. Accept the services from vendor(s) in accordance with standard procedures of the Employer.

5. Pay vendor(s) in a timely manner for all goods and services received, which shall include timely forwarding of participating employees' payroll deduction contributions to the Plan.
6. Supply payroll data in good order to the vendor(s).
7. Require employees to participate in the Plan and/or make the Plan available to employees as agreed in the Employer's Plan Document and Adoption Agreement.
8. Make Employer contributions to the Plan, if any, as agreed in the Employer's Plan Document and Adoption Agreement.

**This agreement shall not cover any existing plan(s) sponsored by the Employer under Section 457 of the Internal Revenue Code and neither ESC Region 10 nor any of the vendors participating in the Plan and Trust shall have any responsibility whatsoever for such existing plan(s).**

**Authorization:**

Please send a copy of the signed Interlocal Agreement to TCG Administrators at [onboard@tcgservices.com](mailto:onboard@tcgservices.com).

Employer: Midlothian ISD

Education Service Center Region 10

By \_\_\_\_\_

Authorized Signature

Jo Ann Fey, Ed.D. / Superintendent of Schools

By \_\_\_\_\_

Authorized Signature

Executive Director

Title

Title

July 18, 2022

Date \_\_\_\_\_

Date \_\_\_\_\_

Dr. Aaron Williams

Contact Person

Dr. Gordon Taylor

Contact Person

Assistant Superintendent of Human Resources

Title of Contact

972-358-1000

Telephone Number

100 Walter Stephenson Road

Street Address

Midlothian, TX 76065

City, State, Zip Code

aaron.williams@misd.qs

E-mail Address

469.856.5000

Telephone Number

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	District of Innovation Renewal	
<b>Requires Board Action:</b>	YES	
<b>Agenda Location:</b>	DISCUSSION/ACTION: ADMINISTRATION & HUMAN RESOURCES	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> To provide MISD flexibility with such things as the school calendar and hiring the most effective and qualified teachers to maximize student success.</p> <p><b>WHAT:</b> The DOI was approved for the 2017-18 school year and must be renewed every five years. The updated plan has been approved by the DEIC and has been posted on the website or at least 30 days for review in accordance with the TEA guidelines.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.3 Continuous Improvement of Curriculum, Professional Development, and the Art and Science of Teaching	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 2: Capacity Building and Effective Leadership	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	2.1 Recruit and Retain High-potential Talent	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	AF-INNOVATION DISTRICTS	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	This is a Board decision.	
<b>Motion:</b>	A motion might be, "I move to approve the District of Innovation Renewal for Midlothian ISD as presented."	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Krista Tipton (ED)
	District Leadership	Executive Director (ED) or Director (D)



Midlothian ISD  
District of Innovation Plan  
2022-2023 - 2026-2027

**Renewal/Amendment Date:**  
**March 29, 2022**

# Midlothian Independent School District District of Innovation Plan

## INTRODUCTION

A District of Innovation (DOI) is a concept passed by the 84th Texas Legislative that gives traditional independent school districts most of the flexibilities available to open enrollment charter schools, including exemption from many requirements mandated in the Texas Education Code. To create a DOI, a school district must adopt an innovation plan for its district. On August 15, 2016., the Board of Trustees hosted a public hearing to gather public comments on Midlothian ISD becoming a District of Innovation, a product of House Bill 1842 from the 84th Legislative Session.

The School Board appointed a District of Innovation Committee composed of community members, appointed by the School Board, parents, teacher leaders, and campus, as well as district administrators. The primary goal of this committee is to prepare a District of Innovation plan to address the needs of the District.

## TERM OF RENEWAL/AMENDMENTS

The MISD District of Innovation Plan will be implemented beginning with the 2022-2023 school year and end on June 30, 2028. The District of Innovation Committee will review the plan annually to verify that elements in the plan are still compatible with district needs. Any changes will be posted online for 30 days and will require approval of the Innovation Committee, DEIC, and the School Board.

## MISSION

The mission of Midlothian ISD is to educate students by empowering them to maximize their potential.

## VISION

Midlothian ISD. .Inspiring excellence today to change the world tomorrow



# Midlothian Independent School District

## District of Innovation Plan

### GOALS

#### Teaching and Learning

1. Transform our classroom to be truly student-centered through aligned teaching and learning.
  - 1.1 Design and develop aligned K-12 curriculum.
  - 1.2 Facilitate problem solving, critical thinking and risk-taking for staff and students.
  - 1.3 Provide and support professional development in the implementation of a K-12 aligned curriculum.

#### Human Capital

2. Design a comprehensive staffing plan to foster excellence, high expectations, and positive morale throughout the district.
  - 2.1 Develop and execute a high level recruitment plan.
  - 2.2 Identify and provide support systems needed to retain quality staff.

#### Funding and Finance

3. Resources will be optimized for all stakeholders, according to the Strategic Plan, to enhance and maximize student potential.
  - 3.1 Educate the community regarding school finance and its restrictions.
  - 3.2 Collaborate with stakeholders and community partners to meet the needs of the district.

#### Facilities

4. Provide facilities that create an innovative learning environment using district resources in the most efficient manner.
  - 4.1 Develop criteria to be used in the design of future construction and renovation projects.
  - 4.2 Develop a comprehensive facilities plan to guide financial decisions related to future site acquisitions, new construction, and renovation of existing facilities.

#### Technology

5. Design a system to provide for the evolving digital needs of MISD.
  - 5.1 Develop a plan to ensure appropriate network infrastructure for anticipated future needs.
  - 5.2 Create a process to enable digital access for all future devices/programs for MISD.

#### Communications/Community Partnerships

6. Create an environment of transparent information exchange between the school district and key stakeholders that builds long-term impactful relationships.
  - 6.1 Establish a support system for addressing district needs in order to obtain community resources.
  - 6.2 Develop a communications strategy that effectively communicates successes, strengths, and opportunities of the district.

## MIDLOTHIAN ISD STRATEGIC PLAN 2022 - 2026

### Strategic Priorities *(adopted by the Board on April 4, 2022.)*

**Priority 1:** Student Success

- Performance Objectives:
- 1.1 Multiple pathways for All Students to Belong
  - 1.2 All Students Exhibit Yearly Growth in Core Areas
  - 1.3 Continuous Improvement of Curriculum, Professional Development, and the Art and Science of Teaching

**Priority 2:** Capacity Building and Effective Leadership

- Performance Objectives:
- 2.1 Recruit and Retain High-potential Talent
  - 2.2 Systematic Management of Individual Talent
  - 2.3 Development of a High-performing Organizational System

**Priority 3:** Culture, Climate and Safety

- Performance Objectives:
- 3.1 Commit to MISD Cultural Tenets in a Way that Ensures Staff and Student Well-being
  - 3.2 Strive to Be a Listening and Learning Organization Aligned with Stakeholder Engagement

**Priority 4:** District Operations and Financial Stewardship

- Performance Objectives:
- 4.1 Systematic Long-range Facility Management
  - 4.2 Effective and Efficient Cross-departmental Work processes
  - 4.3 Commitment to Financial Stewardship

Midlothian Independent School District  
District of Innovation Plan

District of Innovation: Committee Members	
Dr. Jo Ann Fey	Superintendent of Schools
Darin Kasper	Deputy Superintendent
Shelle Blaylock	Assistant Superintendent Curriculum & Instruction
KayLynn Day	Assistant Superintendent HR & Student Services
Jim Norris	Assistant Superintendent Finance & Operations
Shannon Thompson	Director of Special Education
Dr. Kalee McMullen	Secondary Principal
Ryan Timm	Elementary Principal
Shannon West	Elementary Principal
Amanda Rodgers	Middle School Principal
Jessica Trezza	Secondary Assistant Principal
Melonie Bagby	High School Classroom Teacher
Elizabeth Strange	Middle School Classroom Teacher
Tracy Xavier	Elementary Classroom Teacher
Erin Roberts	Elementary Classroom Teacher
Melissa Wolfe	Executive Director of Specialized Learning
Becky Wiginton	Director of College & Career Readiness & Guidance
Judy Walling	Community Representative
Dr. Al Hemmle	Student Services Administrator

# Midlothian Independent School District

## District of Innovation Plan

### Goal 1: Class Size

#### 1-1. Area of Suggested Exemption (Focus): 1st through 4th Grade Only

- TEC Code Requiring Exemption:
  - 25.112 - Except as otherwise authorized by this section, a school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth grade class.
  - 25.113 -A campus or district that is granted an exception under Section [25.112\(d\)](#) from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception.
- Local Guidelines:
  - EEB Legal
- Benefit of the Exemption for Midlothian ISD
  - This exemption will allow Midlothian ISD the ability to group students based on academic, social and emotional needs without additional waivers.
  - Being exempt from 22:1 class size ratio will prevent the relocation of students to another attendance zone and allow them to remain with the same teacher and classmates that they began the school year with, allowing continuous stability and support for the student.
- District Procedures
  - Kindergarten-4th grade will remain at 22:1.
  - If class size is to exceed 22:1 there will be a 30-day consideration period to determine 24:1. The following categories will be reviewed:
    - Grade / subject of classroom
    - Dynamics of campus and classroom
    - Availability of space and resources
    - Hiring of additional staff
    - Effects of campus relocation.

*\*This exemption permits Midlothian ISD to go over the 22:1 ratio for elementary classrooms due to fast growth school zones. This exemption would only be used in the case of a new student(s) coming into the district during the school year. The district will not begin the year or set class size norms at more than 22:1. This will be closely monitored to ensure that it is only in extenuating circumstances that a class would be over the 22:1.*

Midlothian Independent School District  
District of Innovation Plan

Goal 2: Instructional Calendar

2-1. Area of Suggested Exemption (Focus)

- TEC Code Requiring Exemption:
  - Sec. 25.0811 FIRST DAY OF INSTRUCTION. (a) Except as provided by this section, a school district may not begin instruction for students for a school year before the fourth Monday in August.
- Local Guidelines:
  - EB (Local) - No change necessary
- Benefit of the Exemption for Midlothian ISD
  - This exemption will allow balance between the two semesters to coincide with the natural occurring winter break.
  - By beginning the school year one week earlier, semester exams would be able to occur prior to winter break, in turn giving additional time in the second semester for STARR/EOC/AP preparation and testing.
  - This exemption would allow the flexibility for the district calendar to be aligned with the local college semester and assist with coordinating dual credit courses.
  - Instructional calendar flexibility will allow more opportunities for staff development before and during the school year.
  - Calendar flexibility will allow time to organize vertical alignment, the integration of one-to-one and the restructure of lesson design.
- District Procedures
  - Midlothian ISD will begin instruction the 3rd week of August thereby providing additional days for Professional Development during the school year.

Midlothian Independent School District  
District of Innovation Plan

### Goal 3: Employee Appraisal

#### 3-1. Area of Suggested Exemption (Focus)

- TEC Code Requiring Exemption:
  - Sec. 21.352. LOCAL ROLE. In appraising teachers, each school district shall use: ○ (1) the appraisal process and performance criteria developed by the commissioner; or (2) an appraisal process and performance criteria: (c) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year.
  - Sec. 21.354. APPRAISAL OF CERTAIN ADMINISTRATORS. The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of various classifications of school administrators. The criteria must be based on job-related performance.
  - Sec. 21.3541. APPRAISAL AND PROFESSIONAL DEVELOPMENT SYSTEM FOR PRINCIPALS. (a) The commissioner by rule shall establish and shall administer a comprehensive appraisal and professional development system for principals.
- Local Guidelines:
  - DN, DNA, DNB
- Benefit of the Exemption for Midlothian ISD
  - Flexibility with the Employee Appraisal system will allow for a more customized approach for non-core faculty and staff.
  - Exemption from the Employee Appraisal system will provide flexibility to the Principal and Administration to conduct evaluations at the appropriate frequency for each staff member.
  - More specific evaluation measures will provide a more individualized learning plan for employees.
- District Procedures
  - Midlothian ISD will create appraisal instruments specific to non-core faculty and staff.
  - Student growth measures will be identified and developed locally.
  - The frequency of evaluations will be determined locally by Principal and/or Administration.

## Midlothian Independent School District District of Innovation Plan

### Goal 4: Teacher Certification

#### 4-1. Area of Suggested Exemption (Focus)

- TEC Code Requiring Exemption:
  - Sec. 21.003. CERTIFICATION REQUIRED. (a) 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 school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.
- Local Guidelines:
  - DBA
- Benefit of the Exemption for Midlothian ISD
  - Being exempt from a certification requirement would allow our district to secure highly qualified individuals in hard to fill positions. Students would benefit from industry-certified individuals in Career and Technical Education courses such as Registered Nurses, Engineers, Veterinarians, etc.
  - MISD would be given more flexibility for hiring staff and scheduling courses for our students.
  - This exemption would aid high school students in personalizing graduation plans and earning endorsements.
- District Procedures
  - ○ Locally developed guidelines will determine the qualification of individuals who are not certified.
  - Continuing education will be provided to these individuals to enhance knowledge of pedagogical practices.
  - Special Education and Bilingual teachers in the district will continue to be SBEC certified.

## Midlothian Independent School District District of Innovation Plan

### Goal 5: 90% Attendance Rule

#### 5-1. Area of Suggested Exemption (Focus)

- TEC Code Requiring Exemption:
  - Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE. (a) Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.
- Local Guidelines:
  - FEC, EI
- Benefit of the Exemption for Midlothian ISD
  - Exemption to the 90% Rule will provide flexibility for students who:
    - are unable to attend class in the traditional learning facilities because of illness or family concerns.
    - would benefit from a different time structure than that of the typical school day.
    - would benefit from virtual and online classes either in addition or in lieu of the traditional classroom setting.
    - are pursuing an accelerated learning program such as music or swimming and require extensive travel.
  - Exemption to the 90 % Rule will reduce the number of dropouts and increase the number of qualifying graduates.
- District Procedures
  - MISD will research and implement innovative methods, locations, and times for instruction thereby offering students more flexibility and opportunity, such as
    - online coursework
    - outside of school hours
    - project-based learning experiences
    - internships



## Midlothian Independent School District District of Innovation Plan

### Goal 6: Competency Based Learning (CBL)

#### 6-1. Area of Suggested Exemption (Focus)

- TEC Code Requiring Exemption:
  - Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE. (a) Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.
  - Sec. §25.083 SCHOOL DAY INTERRUPTIONS. (b) The board of trustees of each school district shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation.
  
- Local Guidelines:
  - FEC, EI
  
- Benefit of the Exemption for Midlothian ISD
  - Midlothian ISD continues to seek alternatives to traditional coursework to enhance the learning experience of students seeking to acquire knowledge and apply learning in a non-traditional manner in preparation for future careers. A research-based method applied in higher education and successful K-12 programs focused on meeting the learning goals of a varied student population is Competency-Based Learning. In order to implement courses using the Competency-Based Learning (CBL) model, these exemptions are needed to allow the district the ability to develop pacing of certain courses based on student mastery of predetermined measurable competencies with timeframes not bound by attendance requirements.
  
- District Procedures
  - MISD will research and implement innovative methods, locations, and times for instruction thereby offering students more flexibility and opportunity, such as
    - online coursework
    - outside of school hours
    - project-based learning experiences
    - internship
    - The District will create clear definitions and standards for CBL and for student mastery of competencies to award credit
    - The District will provide ongoing training for staff as well as parents and students on options for CBL.

## Midlothian Independent School District District of Innovation Plan

### **Timeline of Events 2017-2018**

- April 18, 2016 -adopted resolution
- August 15, 2016 - Board of Trustees hosted a public hearing
- November 7, 2016 - Dr. Stewart presented an overview of the DOI process to DEIC
- February 21, 2017 - First DOI Committee Meeting
- February 27, 2017 - Second DOI Committee Meeting
- March 10, 2017 - First day of 30 day web posting
- March 24, 2017 - Plan sent to Commissioner of Education
- April 12, 2017 - Dr. Stewart presented the DOI Plan to DEIC
- April 17, 2017 - Plan presented to Board of Trustees for approval
- April 18, 2017 - Official District of Innovation Plan posted to website

### **Timeline of Events 2022-23 Renewal/Amendments**

- March 22, 2022 - DOI Committee meeting #1 to discuss, review, and amend DOI plan
- March 29, 2022 - DOI Committee meeting #2 to consider approval of proposed DOI plan
- March 30, 2022 - Final version of the proposed DOI plan posted on District website
- March 30, 2022 - Board of Trustees notifies the Commissioner of Education of the intention to vote on the adoption of the proposed DOI plan.
- April 5, 2022 - DEIC holds a public meeting to consider the final version of the proposed DOI plan and votes to approve or reject the plan.
- July 18, 2022 - Board of Trustees reviews the proposed DOI plan.
- July 18, 2022 - Board of Trustees considers approval of the proposed DOI plan
- July 19, 2022 - District notifies the Commissioner of Education of approval of DOI plan
- July 20, 2022 - District provides copy of link to the current DOI plan to the TEA along with required TEC required exemption documentation for posting on the agency's website.

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	<b>Update on the 2016 Bond Projects</b>	
<b>Agenda Location:</b>	DISCUSSION/ACTION: BUSINESS AND FINANCE	
<b>Template Attachments:</b>	Yes	Presentation
<b>If yes, then select what applies:</b>	Presentation	
<b>Link to the presentation:</b>	Yes. See link in the box to the right.	
<b>Background Information</b>	<p><b>WHY:</b> Representatives from Imperial Construction and Adolfson &amp; Peterson Construction will be on hand to update the school board on the status of the following three projects:</p> <ul style="list-style-type: none"> <li>• Heritage High School Expansion Addison McDougle, Zach Rogers</li> <li>• Coleman Elementary Matt Even, Jon Jones</li> <li>• Stadium Improvements Matt Even, Jon Jones</li> </ul> <p>Ross Rivers, a representative from VLK Architects, will also be at the meeting.</p> <p>Brian Harland, a representative from Orcutt-Winslow Architects, will also be at the meeting.</p> <p><b>WHAT:</b></p>	
<b>Strategic Priority: (Primary)</b>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective: (Primary)</b>	4.1 Systematic Long-range Facility Management	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A

<b>Policy Reference: (1) / (2)</b>	CHG-PURCHASING AND ACQUISITION - REAL PROPERTY AND IMPROVEMENTS	N/A
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only - no recommendation needed.	
<b>Motion:</b>	Information and update only - no motion needed.	
<b>Presenter:</b>	Darin Kasper	
	District Leadership	Executive Director (ED) or Director (D)



# Competition Gym

**ap** Adolfson  
& Peterson  
Construction

WE BUILD. trust. communities. people.





# Competition Gym



**Adolfson  
& Peterson  
Construction**

WE BUILD. trust. communities. people.





# Auditorium



WE BUILD. trust. communities. people.





# Plaza



WE BUILD. trust. communities. people.





# Plaza



WE BUILD. trust. communities. people.





# Cafeteria Expansion



WE BUILD. trust. communities. people.





# Weight Room/Field House Expansion



WE BUILD. trust. communities. people.





# MISD 2016 BOND NEW ELEMENTARY NO. 8



## JEAN COLEMAN ELEMENTARY SCHOOL MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT

### Superintendent:

Dr. JoAnn Fey

### Board of Trustees:

Gary Vineyard  
Andrea Walton  
Matt Sanders  
Bobby Soto

Tami Tobey  
Eduardo Gonzalez  
Richard Pena

### Architect:

VLK Architects, Inc.

### Contractor:

Imperial Construction, Inc.

### Consultants:

Teague, Nall & Perkins, Inc.  
L.A. Fuess Partners  
RWB Consulting Engineers  
EMA Engineering and Consulting  
Foodservice Design Professionals



*Your Bond Dollars at Work!*

July 18<sup>th</sup> 2022

## **Progress Summary**

- Construction timeline and turnover date has been impacted negatively due to critical materials being delayed with supply chain issues
- Material procurement is under continuous maintenance and management to prevent/avoid future material procurement issues and surprises. We are tracking several critical components.
- Critical materials with no confirmed delivery date:
  - Door hardware
  - Linear Lighting Fixtures
  - Glazing for Storefront and Curtainwall
  - Interior Curtainwall Aluminum Framing



**Progress Photos**

*Jean Coleman Elementary School  
MISD*

Date: 03/01/22  
Lat/Lon: 32.456247 -96.98359





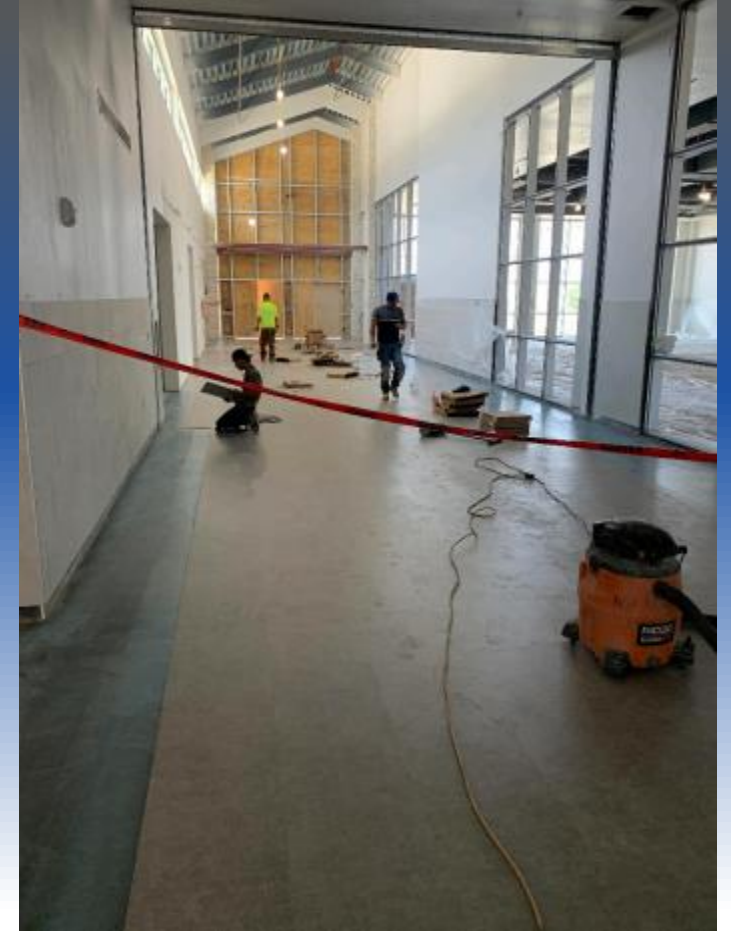




**Progress Photos**



*Jean Coleman Elementary School  
MISD*



Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065

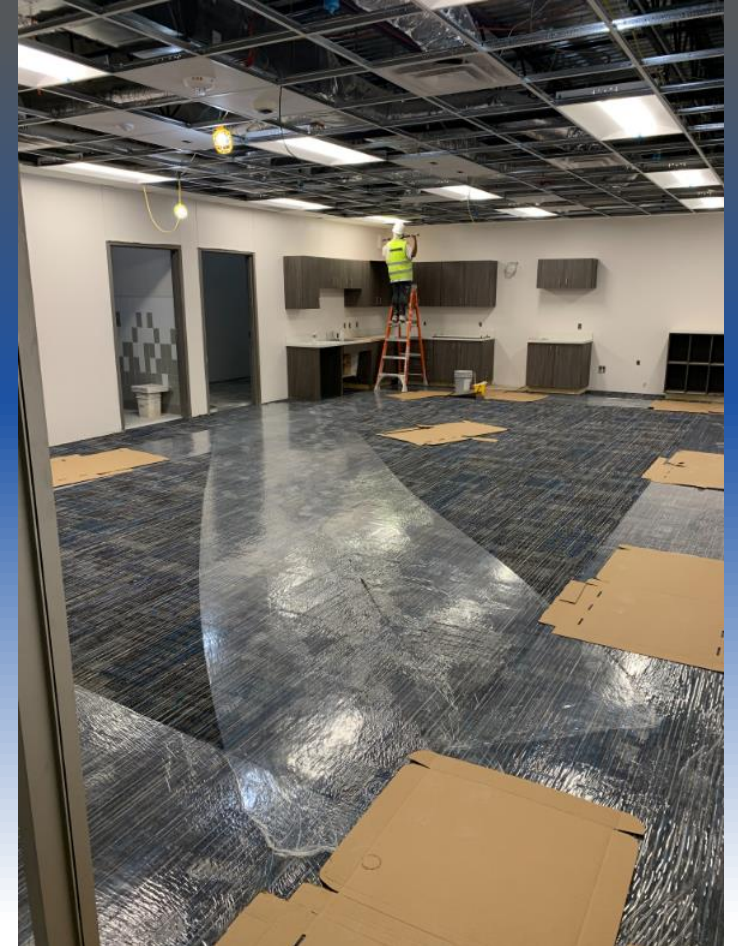




**Progress Photos**



*Jean Coleman Elementary School  
MISD*



Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065





**Progress Photos**



*Jean Coleman Elementary School  
MISD*



Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065



**Progress Photos**



*Jean Coleman Elementary School  
MISD*



Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065





**Progress Photos**



*Jean Coleman Elementary School  
MISD*

Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065





**Progress Photos**



*Jean Coleman Elementary School  
MISD*



Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065





## Progress Photos

*Jean Coleman Elementary School  
MISD*

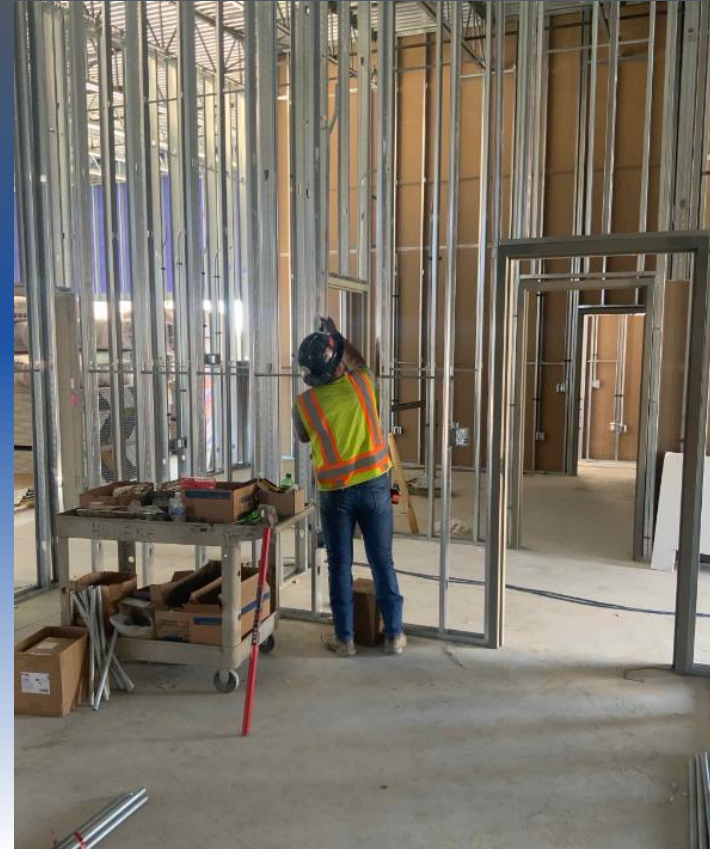
Midlothian Elementary School  
700 Hawkins Run  
Midlothian, Texas 76065



## **Progress Photos**

*HS Football Stadium Improvements  
MISD*





**Progress Photos**

*HS Football Stadium Improvements  
MISD*





**Progress Photos**

*HS Football Stadium Improvements  
MISD*



**Progress Photos**

*HS Football Stadium Improvements  
MISD*

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Proposed RFP Calendar	
<b>Agenda Location:</b>	INFORMATION ONLY	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> MISD adheres strictly to the purchasing laws mandated by the Texas Education Code 44.031 and MISD Board Policies CVA and CH. These rules govern our purchasing department and the majority of our purchasing is done via proposals or bids. Whether the process be called bids, request for proposals, or requests for quotation, the process is very similar. The purpose and intent for the procurement process is to help public schools obtain the best products and services at the lowest practical price in the best interest of the taxpayers by simulating competition. Midlothian ISD is committed to fair and equal competition among all vendors.</p> <p><b>WHAT:</b> As part of the procurement process, the schedule of upcoming proposals/bids will be given to the board at least annually and updated as needed. This is a complete listing of what is anticipated currently for this fiscal year, but may be updated as necessary.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and Financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	CH-PURCHASING AND ACQUISITION	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	

<b>Motion:</b>	N/A	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

## RFP/CSP Anticipated Calendar 2022 - 2023

<i>Anticipated Release of RFP</i>	<i>Category</i>	<i>Anticipated Due Date</i>	<i>Anticipated Date for Board Approval</i>
November 2022	<i>Baxter Kitchen Renovation Project</i>	January 10, 2023	February 2023
January 2023	<i>Bank Depository Services</i>	February 14, 2023	March 2023

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Business Reports	
<b>Agenda Location:</b>	INFORMATION ONLY	
<b>Template Attachments:</b>	Yes	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> To keep the Board informed of the financial position of the District.</p> <p><b>WHAT:</b> Financial reports for the period ending June 30, 2022, are provided for Board review.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	Texas Education Agency	N/A
<b>Policy Reference: (1) / (2)</b>	CFA-ACCOUNTING - FINANCIAL REPORTS AND	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	No motion - information only	
<b>Presenter:</b>	Darin Kasper	Sandy Bundrick (D)
	District Leadership	Executive Director (ED) or Director (D)

# MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT

Midlothian, Texas

## Business Reports

June 2022 Summary of Tax Deposits	1-2
June 2022 Budget Summaries	3-22
Fund Balance Report	23
Credit Card Billing	24-27
Construction Report	28

July 18, 2022

## SUMMARY OF TAX DEPOSITS 2021 - 22

	5711 M & O Current	5712 M & O Prior	5719 Penalties & Interest	Total Maintenance & Operations	5711 I & S Current	5712 I & S Prior	5719 Penalties & Interest	Total Interest & Sinking
<b>YTD MONTHLY TAX RECEIPTS --</b>								
July-21	115,018.13	(223.06)	19,157.35	133,952.42	63,338.79	(131.57)	10,522.98	73,730.20
August-21	113,387.70	9,729.47	23,555.53	146,672.70	62,440.89	4,674.77	12,602.05	79,717.71
September-21	21,609.98	5,872.15	7,596.73	35,078.86	11,900.28	2,880.97	3,944.66	18,725.91
October-21	9,520.87	52,207.59	3,443.31	65,171.77	5,648.88	26,099.20	1,761.72	33,509.80
November-21	2,413,524.13	(20,103.44)	4,906.48	2,398,327.17	1,328,137.41	(10,197.17)	2,673.55	1,320,613.79
December-21	5,651,750.09	(7,361.90)	3,652.85	5,648,041.04	3,111,055.05	(4,129.16)	1,878.87	3,108,804.76
January-22	42,655,833.18	30,784.41	1,074.36	42,687,691.95	23,480,275.18	15,849.47	1,295.42	23,497,420.07
February-22	6,855,378.30	24,207.06	31,189.58	6,910,774.94	3,773,602.47	12,139.34	17,342.50	3,803,084.31
March-22	522,433.16	3,237.89	46,941.63	572,612.68	287,577.83	2,035.79	25,803.85	315,417.47
April-22	188,041.68	4,178.67	22,023.27	214,243.62	103,509.07	2,126.18	12,108.05	117,741.30
May-22	(52,709.87)	(112,140.18)	18,605.41	(146,244.64)	(29,014.69)	(58,046.71)	9,349.64	(77,711.76)
June-22	(149,744.73)	258,527.16	19,585.50	128,367.93	(82,484.87)	141,766.03	10,741.55	70,022.71
<b>YTD</b>	<b>58,344,042.62</b>	<b>\$248,915.82</b>	<b>201,732.00</b>	<b>58,794,690.44</b>	<b>\$32,115,986.29</b>	<b>\$135,067.14</b>	<b>\$110,022.84</b>	<b>32,361,076.27</b>
<b>Less TIRZ</b>	<b>(9,965,047.90)</b>			<b>(9,965,047.90)</b>				
<b>Non-TIRZ YTD</b>	<b>\$48,378,994.72</b>	<b>\$248,915.82</b>	<b>\$201,732.00</b>	<b>\$48,829,642.54</b>	<b>\$32,115,986.29</b>	<b>\$135,067.14</b>	<b>\$110,022.84</b>	<b>\$32,361,076.27</b>
 <b>Budget 21-22, non-TIRZ</b>	 <b>\$47,836,536.00</b>	 <b>\$300,000.00</b>	 <b>\$138,000.00</b>	 <b>\$48,274,536.00</b>	 <b>\$ 32,568,848.00</b>	 <b>\$150,000.00</b>	 <b>\$60,000.00</b>	 <b>\$32,778,848.00</b>
<b>Percent Collected</b>	<b>101.13%</b>	<b>82.97%</b>	<b>146.18%</b>	<b>101.15%</b>	<b>98.61%</b>	<b>90.04%</b>	<b>183.37%</b>	<b>98.73%</b>
<b>Revenue Collected</b>								
<b>(over)/under budget</b>	<b>(\$542,458.72)</b>	<b>\$51,084.18</b>	<b>(\$63,732.00)</b>	<b>(\$555,106.54)</b>	<b>\$452,861.71</b>	<b>\$14,932.86</b>	<b>(\$50,022.84)</b>	<b>\$417,771.73</b>



SUMMARY OF TAX DEPOSITS 2021 - 22

Ellis County Tax Office		5711	5712	5719	5712.01	5719.01	5719.02	Total	5711	5712	5719	Total
Collection	Deposit	M & O	M & O	Penalties	M & O	P&I	Rendition	Maintenance	I & S	I & S	Penalties &	Interest &
date	date	Current	Prior	& Interest	CED	CED	Penalty	& Operations	Current	Prior	Interest	Sinking
June												
06/01/22		6,296.41	152.03	814.07				7,262.51	3,465.93	77.16	445.21	3,988.30
06/02/22		9,460.13	0.00	667.71				10,127.84	5,207.43	0.00	367.54	5,574.97
06/03/22		9,353.78	960.12	1,202.43			(0.23)	11,516.10	5,148.85	528.73	661.95	6,339.53
06/06/22		2,578.73	77.89	38.31				2,694.93	1,419.46	42.89	21.09	1,483.44
06/07/22		34,489.30	30.97	5,192.54				39,712.81	18,984.93	14.89	2,856.94	21,856.76
06/08/22		14,903.67	381.52	2,054.31			(3.85)	17,335.65	8,203.85	196.66	1,125.48	9,525.99
06/09/22		6,837.16	15,483.60	1,066.88				23,387.64	3,763.56	8,030.08	585.54	12,379.18
06/10/22		4.80	0.00	0.72			(0.04)	5.48	2.64	0.00	0.40	3.04
06/13/22		3,898.27	0.00	401.62				4,299.89	2,145.85	0.00	221.07	2,366.92
06/14/22		4,560.26	0.00	594.80				5,155.06	2,510.25	0.00	327.41	2,837.66
06/15/22		299.28	0.00	44.94				344.22	164.75	0.00	24.69	189.44
06/16/22		3,228.15	0.00	484.21				3,712.36	1,776.91	0.00	266.55	2,043.46
06/17/22		4,501.95	2,008.38	1,235.49				7,745.82	2,478.15	1,105.99	680.22	4,264.36
06/20/22		2,642.06	0.00	79.37				2,721.43	1,454.34	0.00	43.69	1,498.03
06/21/22	06/24/22	(462.85)	690.17	221.23			(0.27)	448.28	(254.78)	355.38	115.06	215.66
06/22/22	06/27/22	6,316.03	1,633.01	1,617.39				9,566.43	3,476.73	874.81	880.40	5,231.94
06/23/22	06/28/22	6,318.45	3,756.68	1,361.16				11,436.29	3,478.05	1,998.25	739.20	6,215.50
06/24/22		(7,902.06)	(2,087.99)	249.60				(9,740.45)	(4,349.76)	(1,109.95)	137.41	(5,322.30)
06/27/22		1,402.33	(14,754.26)	164.37				(13,187.56)	771.94	(8,120.30)	90.49	(7,257.87)
06/28/22		(2,189.85)	537.88	889.08				(762.89)	(1,205.42)	290.82	487.22	(427.38)
06/29/22		(15,003.63)	271.18	(197.83)				(14,930.28)	(8,258.89)	147.49	(111.01)	(8,222.41)
06/30/22		8,738.71	(629.83)	1,407.93			(0.44)	9,516.37	4,810.32	(346.83)	775.00	5,238.49
Adjustment		(250,015.81)	250,015.81					0.00	(137,679.96)	137,679.96		0.00
								0.00				0.00
								0.00				0.00
								0.00				0.00
Month's totals		(149,744.73)	258,527.16	19,590.33	-	-	(4.83)	128,367.93	(82,484.87)	141,766.03	10,741.55	70,022.71

	2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
<u>FND OBJ</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
170 Revenue	90,688.00	90,688.00	1,175.45	91,097.28	100.45	0.00	-409.28
170 Expense	282,121.00	282,121.00	4,557.86	231,675.26	82.17	132.63	50,313.11
170 A. H. MEADOWS LIBRARY FUND	-191,433.00	-191,433.00	-3,382.41	-140,577.98	73.50	-132.63	-50,722.39
180 Revenue	365,222.00	365,222.00	2,245.09	395,464.96	108.28	0.00	-30,242.96
180 Expense	1,118,293.00	1,105,293.00	88,943.15	1,048,561.41	96.15	14,160.97	42,570.62
180 ATHLETIC DEPARTMENT FUND	-753,071.00	-740,071.00	-86,698.06	-653,096.45	90.16	-14,160.97	-72,813.58
197 Revenue	0.00	2,696,767.46	1,495,737.68	2,518,223.99	93.38	0.00	178,543.47
197 Expense	0.00	2,696,767.46	897,057.44	2,518,056.80	93.38	167.19	178,543.47
197 Insurance Claims Snow 2021	0.00	0.00	598,680.24	167.19	0.00	-167.19	0.00
198 Revenue	22,094.00	0.00	0.00	0.00	0.00	0.00	0.00
198 Expense	303,629.00	0.00	0.00	0.00	0.00	0.00	0.00
198 COVID 19	-281,535.00	0.00	0.00	0.00	0.00	0.00	0.00
199 Revenue	114,115,418.00	118,144,840.96	12,730,092.04	117,564,366.65	99.49	-20,201.11	600,675.42
199 Expense	112,889,379.00	117,776,405.96	5,201,922.63	115,088,901.93	97.96	279,556.51	2,407,947.52
199 GENERAL FUND	1,226,039.00	368,435.00	7,528,169.41	2,475,464.72	590.53	-299,757.62	-1,807,272.10
240 Revenue	3,905,003.00	6,117,730.00	655,862.56	6,280,119.98	102.65	0.00	-162,389.98
240 Expense	3,815,100.00	6,637,110.00	741,841.95	5,306,990.55	84.15	278,187.79	1,051,931.66
240 FOOD SERVICE	89,903.00	-519,380.00	-85,979.39	973,129.43	-133.80	-278,187.79	-1,214,321.64
599 Revenue	33,128,333.00	32,769,138.00	188,803.67	32,956,306.10	100.57	0.00	-187,168.10
599 Expense	33,128,333.00	33,618,559.00	0.00	33,606,057.51	99.96	0.00	12,501.49
599 DEBT SERVICE	0.00	-849,421.00	188,803.67	-649,751.41	76.49	0.00	-199,669.59
Grand Revenue Totals	151,626,758.00	160,184,386.42	15,073,916.49	159,805,578.96	99.75	-20,201.11	399,008.57
Grand Expense Totals	151,536,855.00	162,116,256.42	6,934,323.03	157,800,243.46	97.69	572,205.09	3,743,807.87
Grand Totals	89,903.00	1,931,870.00	8,139,593.46	2,005,335.50	-103.80	592,406.20	3,344,799.30
	Profit	Loss	Profit	Profit		Loss	Loss

Number of Accounts: 5190

\*\*\*\*\* End of report \*\*\*\*\*

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>2021-22</u> <u>Original Budget</u>	<u>2021-22</u> <u>Revised Budget</u>	<u>June 2021-22</u> <u>Monthly Activity</u>	<u>2021-22</u> <u>FYTD Activity</u>	<u>2021-22</u> <u>FYTD %</u>	<u>Encumbered</u> <u>Amount</u>	<u>Unencumbered</u> <u>Balance</u>
170			A. H. MEADOWS LIBRARY FUND							
R			Revenue							
00										
170	00	57	REVENUE-LOCAL & INTERMED	75,000.00	75,000.00	0.00	75,000.00	100.00	0.00	0.00
170	00	58	STATE PROGRAM REVENUES	15,688.00	15,688.00	1,175.45	16,097.28	102.61	0.00	-409.28
170	00	--		90,688.00	90,688.00	1,175.45	91,097.28	100.45	0.00	-409.28
170	--	--	Revenue	90,688.00	90,688.00	1,175.45	91,097.28	100.45	0.00	-409.28

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered	
	<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
170				A. H. MEADOWS LIBRARY FUND							
E				Expense							
12				INST. RESOURCES & MEDIA SVCS							
	170	12	61	PAYROLL COSTS	165,218.00	172,348.00	11,256.67	163,278.08	94.74	0.00	9,069.92
	170	12	62	PURCHASE & CONTRACTED SVS	3,192.00	3,067.00	132.63	1,533.93	54.34	132.63	1,400.44
	170	12	63	SUPPLIES AND MATERIALS	38,308.00	39,408.00	-8,289.53	30,301.98	76.89	0.00	9,106.02
	170	12	64	OTHER OPERATING EXPENSES	250.00	175.00	0.00	175.00	100.00	0.00	0.00
	170	12	--	INST. RESOURCES & MEDIA SVCS	206,968.00	214,998.00	3,099.77	195,288.99	90.89	132.63	19,576.38
13				CURRICULUM DEV.& INST.STF DEV							
	170	13	64	OTHER OPERATING EXPENSES	1,250.00	350.00	0.00	350.00	100.00	0.00	0.00
	170	13	--	CURRICULUM DEV.& INST.STF DEV	1,250.00	350.00	0.00	350.00	100.00	0.00	0.00
52				SECURITY & MONITORING SERVICES							
	170	52	61	PAYROLL COSTS	73,903.00	66,773.00	1,458.09	36,036.27	53.97	0.00	30,736.73
	170	52	--	SECURITY & MONITORING SERVICES	73,903.00	66,773.00	1,458.09	36,036.27	53.97	0.00	30,736.73
	170	--	--	Expense	282,121.00	282,121.00	4,557.86	231,675.26	82.17	132.63	50,313.11
	170	--	--	A. H. MEADOWS LIBRARY FUND	-191,433.00	-191,433.00	-3,382.41	-140,577.98	73.50	-132.63	-50,722.39

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>2021-22 Original Budget</u>	<u>2021-22 Revised Budget</u>	<u>June 2021-22 Monthly Activity</u>	<u>2021-22 FYTD Activity</u>	<u>2021-22 FYTD %</u>	<u>Encumbered Amount</u>	<u>Unencumbered Balance</u>
180			ATHLETIC DEPARTMENT FUND							
R			Revenue							
00										
180	00	57	REVENUE-LOCAL & INTERMED	364,961.00	364,961.00	2,219.79	390,508.97	107.00	0.00	-25,547.97
180	00	58	STATE PROGRAM REVENUES	261.00	261.00	25.30	4,955.99	1,898.85	0.00	-4,694.99
180	00	--		365,222.00	365,222.00	2,245.09	395,464.96	108.28	0.00	-30,242.96
180	--	--	Revenue	365,222.00	365,222.00	2,245.09	395,464.96	108.28	0.00	-30,242.96

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
				Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
180			ATHLETIC DEPARTMENT FUND							
E			Expense							
36			COCURR./EXTRACURR.ACTIVITIES							
180	36	61	PAYROLL COSTS	89,919.00	95,343.00	1,327.45	88,666.16	93.00	0.00	6,676.84
180	36	62	PURCHASE & CONTRACTED SVS	211,380.00	187,994.65	19,947.77	167,256.57	89.38	774.68	19,963.40
180	36	63	SUPPLIES AND MATERIALS	379,034.00	399,570.14	56,120.09	371,687.20	96.37	13,386.29	14,496.65
180	36	64	OTHER OPERATING EXPENSES	432,960.00	411,365.21	5,011.20	409,840.32	99.63	0.00	1,524.89
180	36	66	CPTL OUTLY LAND BLDG & EQUIP	0.00	6,020.00	6,020.00	6,020.00	100.00	0.00	0.00
180	36	--	COCURR./EXTRACURR.ACTIVITIES	1,113,293.00	1,100,293.00	88,426.51	1,043,470.25	96.12	14,160.97	42,661.78
51			PLANT MAINTENANCE & OPERATIONS							
180	51	62	PURCHASE & CONTRACTED SVS	5,000.00	5,000.00	516.64	5,091.16	101.82	0.00	-91.16
180	51	--	PLANT MAINTENANCE & OPERATIONS	5,000.00	5,000.00	516.64	5,091.16	101.82	0.00	-91.16
180	--	--	Expense	1,118,293.00	1,105,293.00	88,943.15	1,048,561.41	96.15	14,160.97	42,570.62
180	--	--	ATHLETIC DEPARTMENT FUND	-753,071.00	-740,071.00	-86,698.06	-653,096.45	90.16	-14,160.97	-72,813.58

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered	
	<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
197				Insurance Claims Snow 2021							
R				Revenue							
00											
197	00	57		REVENUE-LOCAL & INTERMED	0.00	2,696,767.46	1,495,737.68	2,518,223.99	93.38	0.00	178,543.47
197	00	--			0.00	2,696,767.46	1,495,737.68	2,518,223.99	93.38	0.00	178,543.47
197	--	--		Revenue	0.00	2,696,767.46	1,495,737.68	2,518,223.99	93.38	0.00	178,543.47

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

					2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
	FUND	FUNC	OB	OBJ	Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
197				Insurance Claims Snow 2021							
E				Expense							
11				INSTRUCTION							
	197	11	62	PURCHASE & CONTRACTED SVS	0.00	4,354.00	0.00	4,354.00	100.00	0.00	0.00
	197	11	63	SUPPLIES AND MATERIALS	0.00	56,566.08	0.00	56,398.89	100.00	167.19	0.00
	197	11	66	CPTL OUTLY LAND BLDG & EQUIP	0.00	27,171.00	0.00	27,171.00	100.00	0.00	0.00
	197	11	--	INSTRUCTION	0.00	88,091.08	0.00	87,923.89	100.00	167.19	0.00
12				INST. RESOURCES & MEDIA SVCS							
	197	12	63	SUPPLIES AND MATERIALS	0.00	3,963.18	0.00	3,963.18	100.00	0.00	0.00
	197	12	--	INST. RESOURCES & MEDIA SVCS	0.00	3,963.18	0.00	3,963.18	100.00	0.00	0.00
23				SCHOOL LEADERSHIP							
	197	23	63	SUPPLIES AND MATERIALS	0.00	7,559.31	0.00	7,559.31	100.00	0.00	0.00
	197	23	--	SCHOOL LEADERSHIP	0.00	7,559.31	0.00	7,559.31	100.00	0.00	0.00
31				GUIDANCE & COUNSELING							
	197	31	63	SUPPLIES AND MATERIALS	0.00	1,379.28	0.00	1,379.28	100.00	0.00	0.00
	197	31	--	GUIDANCE & COUNSELING	0.00	1,379.28	0.00	1,379.28	100.00	0.00	0.00
33				HEALTH SERVICES							
	197	33	63	SUPPLIES AND MATERIALS	0.00	78.68	0.00	78.68	100.00	0.00	0.00
	197	33	--	HEALTH SERVICES	0.00	78.68	0.00	78.68	100.00	0.00	0.00
36				COCURR./EXTRACURR.ACTIVITIES							
	197	36	63	SUPPLIES AND MATERIALS	0.00	4,812.50	0.00	4,812.50	100.00	0.00	0.00
	197	36	--	COCURR./EXTRACURR.ACTIVITIES	0.00	4,812.50	0.00	4,812.50	100.00	0.00	0.00



MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

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				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered	
	<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
197				Insurance Claims Snow 2021							
E				Expense							
51				PLANT MAINTENANCE & OPERATIONS							
	197	51	62	PURCHASE & CONTRACTED SVS	0.00	2,589,853.99	897,057.44	2,411,310.52	93.11	0.00	178,543.47
	197	51	63	SUPPLIES AND MATERIALS	0.00	690.60	0.00	690.60	100.00	0.00	0.00
	197	51	--	PLANT MAINTENANCE & OPERATIONS	0.00	2,590,544.59	897,057.44	2,412,001.12	93.11	0.00	178,543.47
52				SECURITY & MONITORING SERVICES							
	197	52	63	SUPPLIES AND MATERIALS	0.00	338.84	0.00	338.84	100.00	0.00	0.00
	197	52	--	SECURITY & MONITORING SERVICES	0.00	338.84	0.00	338.84	100.00	0.00	0.00
	197	--	--	Expense	0.00	2,696,767.46	897,057.44	2,518,056.80	93.38	167.19	178,543.47
	197	--	--	Insurance Claims Snow 2021	0.00	0.00	598,680.24	167.19	0.00	-167.19	0.00

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
198			COVID 19							
R			Revenue							
00										
198	00	58	STATE PROGRAM REVENUES	22,094.00	0.00	0.00	0.00	0.00	0.00	0.00
198	00	--		22,094.00	0.00	0.00	0.00	0.00	0.00	0.00
198	--	--	Revenue	22,094.00	0.00	0.00	0.00	0.00	0.00	0.00

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

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				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
				Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>							
198			COVID 19							
E			Expense							
11			INSTRUCTION							
198	11	61	PAYROLL COSTS	303,629.00	0.00	0.00	0.00	0.00	0.00	0.00
198	11	--	INSTRUCTION	303,629.00	0.00	0.00	0.00	0.00	0.00	0.00
198	--	--	Expense	303,629.00	0.00	0.00	0.00	0.00	0.00	0.00
198	--	--	COVID 19	-281,535.00	0.00	0.00	0.00	0.00	0.00	0.00

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

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				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
199			GENERAL FUND							
R			Revenue							
00										
199	00	57	REVENUE-LOCAL & INTERMED	64,618,641.00	65,151,080.96	-3,558,442.76	64,540,482.20	99.06	0.00	610,598.76
199	00	58	STATE PROGRAM REVENUES	45,280,777.00	45,029,505.00	12,290,466.15	45,054,571.94	100.06	0.00	-25,066.94
199	00	59	FEDERAL PROGRAM REVENUES	1,516,000.00	5,664,255.00	3,998,068.65	5,681,705.17	99.95	-20,201.11	2,750.94
199	00	79	OTHER RESOURCES	2,700,000.00	2,300,000.00	0.00	2,287,607.34	99.46	0.00	12,392.66
199	00	--		114,115,418.00	118,144,840.96	12,730,092.04	117,564,366.65	99.49	-20,201.11	600,675.42
199	--	--	Revenue	114,115,418.00	118,144,840.96	12,730,092.04	117,564,366.65	99.49	-20,201.11	600,675.42

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

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				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
				Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
FUND	FUNC	OB	OBJ							
199			GENERAL FUND							
E			Expense							
11			INSTRUCTION							
199	11	61	PAYROLL COSTS	50,062,887.00	49,595,890.00	1,252,618.42	49,145,604.99	99.09	0.00	450,285.01
199	11	62	PURCHASE & CONTRACTED SVS	712,235.00	729,268.00	105,528.68	647,492.24	90.34	11,329.26	70,446.50
199	11	63	SUPPLIES AND MATERIALS	7,027,935.00	7,987,541.00	348,050.78	7,764,697.04	97.55	27,154.61	195,689.35
199	11	64	OTHER OPERATING EXPENSES	144,223.00	150,321.00	49,371.46	122,381.95	83.73	3,477.60	24,461.45
199	11	66	CPTL OUTLY LAND BLDG & EQUIP	0.00	52,540.00	26,311.79	41,229.64	99.99	11,306.16	4.20
199	11	--	INSTRUCTION	57,947,280.00	58,515,560.00	1,781,881.13	57,721,405.86	98.73	53,267.63	740,886.51
12			INST. RESOURCES & MEDIA SVCS							
199	12	61	PAYROLL COSTS	803,647.00	837,610.00	38,147.52	835,528.36	99.75	0.00	2,081.64
199	12	62	PURCHASE & CONTRACTED SVS	580.00	230.00	0.00	150.00	65.22	0.00	80.00
199	12	63	SUPPLIES AND MATERIALS	111,250.00	143,471.00	22,008.40	120,773.00	84.18	0.00	22,698.00
199	12	64	OTHER OPERATING EXPENSES	2,066.00	1,900.00	0.00	1,897.48	99.87	0.00	2.52
199	12	--	INST. RESOURCES & MEDIA SVCS	917,543.00	983,211.00	60,155.92	958,348.84	97.47	0.00	24,862.16
13			CURRICULUM DEV.& INST.STF DEV							
199	13	61	PAYROLL COSTS	1,347,257.00	1,432,936.00	79,476.24	1,334,962.08	93.16	0.00	97,973.92
199	13	62	PURCHASE & CONTRACTED SVS	100,950.00	105,420.00	6,684.30	99,076.50	93.98	0.00	6,343.50
199	13	63	SUPPLIES AND MATERIALS	32,650.00	48,314.00	9,007.77	32,456.38	67.25	32.70	15,824.92
199	13	64	OTHER OPERATING EXPENSES	220,627.00	203,002.00	2,746.87	153,075.30	75.41	0.00	49,926.70
199	13	--	CURRICULUM DEV.& INST.STF DEV	1,701,484.00	1,789,672.00	97,915.18	1,619,570.26	90.50	32.70	170,069.04
21			INSTRUCTIONAL LEADERSHIP							
199	21	61	PAYROLL COSTS	975,203.00	1,027,060.00	101,131.95	995,828.53	96.96	0.00	31,231.47
199	21	62	PURCHASE & CONTRACTED SVS	8,130.00	7,189.00	1,019.10	6,211.16	91.18	344.10	633.74
199	21	63	SUPPLIES AND MATERIALS	24,100.00	23,490.00	0.00	13,649.56	58.11	0.00	9,840.44
199	21	64	OTHER OPERATING EXPENSES	25,993.00	16,457.00	1,610.43	14,830.26	90.20	13.65	1,613.09
199	21	--	INSTRUCTIONAL LEADERSHIP	1,033,426.00	1,074,196.00	103,761.48	1,030,519.51	95.97	357.75	43,318.74

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>2021-22</u> <u>Original Budget</u>	<u>2021-22</u> <u>Revised Budget</u>	<u>June 2021-22</u> <u>Monthly Activity</u>	<u>2021-22</u> <u>FYTD Activity</u>	<u>2021-22</u> <u>FYTD %</u>	<u>Encumbered</u> <u>Amount</u>	<u>Unencumbered</u> <u>Balance</u>
199			GENERAL FUND							
E			Expense							
23			SCHOOL LEADERSHIP							
199	23	61	PAYROLL COSTS	5,021,967.00	5,205,744.00	322,108.83	5,129,429.18	98.53	0.00	76,314.82
199	23	62	PURCHASE & CONTRACTED SVS	6,350.00	5,417.90	1,200.00	4,405.88	81.32	0.00	1,012.02
199	23	63	SUPPLIES AND MATERIALS	53,970.00	69,188.00	386.31	56,518.47	81.69	0.00	12,669.53
199	23	64	OTHER OPERATING EXPENSES	55,285.00	54,288.10	7,150.96	41,309.22	76.42	177.30	12,801.58
199	23	--	SCHOOL LEADERSHIP	5,137,572.00	5,334,638.00	330,846.10	5,231,662.75	98.07	177.30	102,797.95
31			GUIDANCE & COUNSELING							
199	31	61	PAYROLL COSTS	3,367,582.00	3,250,593.00	179,028.32	3,301,638.52	101.57	0.00	-51,045.52
199	31	62	PURCHASE & CONTRACTED SVS	1,500.00	1,207.00	0.00	1,206.41	99.95	0.00	0.59
199	31	63	SUPPLIES AND MATERIALS	52,229.00	169,846.36	12,381.03	61,544.73	36.44	350.00	107,951.63
199	31	64	OTHER OPERATING EXPENSES	18,850.00	20,776.64	311.23	14,026.77	67.51	0.00	6,749.87
199	31	--	GUIDANCE & COUNSELING	3,440,161.00	3,442,423.00	191,720.58	3,378,416.43	98.15	350.00	63,656.57
33			HEALTH SERVICES							
199	33	61	PAYROLL COSTS	1,023,012.00	999,164.00	19,941.78	998,704.06	99.95	0.00	459.94
199	33	62	PURCHASE & CONTRACTED SVS	41,085.00	21,110.00	0.00	989.49	4.69	0.00	20,120.51
199	33	63	SUPPLIES AND MATERIALS	46,183.00	44,207.00	8,776.28	37,655.40	86.33	509.70	6,041.90
199	33	64	OTHER OPERATING EXPENSES	3,970.00	4,248.00	-151.51	2,739.97	64.50	0.00	1,508.03
199	33	--	HEALTH SERVICES	1,114,250.00	1,068,729.00	28,566.55	1,040,088.92	97.37	509.70	28,130.38
34			PUPIL TRANSPORTATION							
199	34	61	PAYROLL COSTS	2,150,233.00	2,618,274.00	147,654.80	2,640,603.29	100.85	0.00	-22,329.29
199	34	62	PURCHASE & CONTRACTED SVS	146,500.00	130,000.00	4,136.13	81,811.31	63.03	132.63	48,056.06
199	34	63	SUPPLIES AND MATERIALS	518,501.00	709,637.00	69,793.70	637,423.67	89.82	0.00	72,213.33
199	34	64	OTHER OPERATING EXPENSES	-275,425.00	-348,625.00	-3,904.04	-371,958.46	106.69	0.00	23,333.46
199	34	66	CPTL OUTLY LAND BLDG & EQUIP	0.00	477,415.00	217,406.00	477,415.00	100.00	0.00	0.00
199	34	--	PUPIL TRANSPORTATION	2,539,809.00	3,586,701.00	435,086.59	3,465,294.81	96.62	132.63	121,273.56

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

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				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
<u>FUND    FUNC    OB    OBJ</u>				<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
199	GENERAL FUND									
E	Expense									
36	COCURR./EXTRACURR.ACTIVITIES									
199	36	61	PAYROLL COSTS	2,564,191.00	2,565,140.00	188,761.23	2,533,363.44	98.76	0.00	31,776.56
199	36	62	PURCHASE & CONTRACTED SVS	130,176.00	133,967.00	1,075.92	121,140.42	90.69	350.92	12,475.66
199	36	63	SUPPLIES AND MATERIALS	100,142.00	99,023.14	6,205.99	89,407.55	90.29	0.00	9,615.59
199	36	64	OTHER OPERATING EXPENSES	583,627.00	498,288.86	10,476.75	443,051.95	88.91	0.00	55,236.91
199	36	66	CPTL OUTLY LAND BLDG & EQUIP	0.00	10,875.00	-499,917.11	10,875.00	100.00	0.00	0.00
199	36	--	COCURR./EXTRACURR.ACTIVITIES	3,378,136.00	3,307,294.00	-293,397.22	3,197,838.36	96.70	350.92	109,104.72
41	GENERAL ADMINISTRATION									
199	41	61	PAYROLL COSTS	2,675,978.00	2,621,848.04	246,847.10	2,550,210.93	97.27	0.00	71,637.11
199	41	62	PURCHASE & CONTRACTED SVS	826,111.00	1,000,826.42	113,286.80	829,064.91	89.30	64,706.93	107,054.58
199	41	63	SUPPLIES AND MATERIALS	140,449.00	166,027.17	9,206.40	140,877.38	87.86	4,995.30	20,154.49
199	41	64	OTHER OPERATING EXPENSES	199,153.00	217,187.37	14,598.54	185,672.90	85.73	513.65	31,000.82
199	41	--	GENERAL ADMINISTRATION	3,841,691.00	4,005,889.00	383,938.84	3,705,826.12	94.26	70,215.88	229,847.00
51	PLANT MAINTENANCE & OPERATIONS									
199	51	61	PAYROLL COSTS	4,501,709.00	4,070,194.00	353,104.15	4,025,372.14	98.90	0.00	44,821.86
199	51	62	PURCHASE & CONTRACTED SVS	3,548,070.00	4,289,379.67	583,400.05	3,800,980.29	90.72	90,469.60	397,929.78
199	51	63	SUPPLIES AND MATERIALS	821,610.00	863,349.33	44,048.83	816,893.82	95.46	7,289.27	39,166.24
199	51	64	OTHER OPERATING EXPENSES	1,145,830.00	1,140,566.00	1,363.36	1,043,583.29	95.13	41,476.35	55,506.36
199	51	66	CPTL OUTLY LAND BLDG & EQUIP	30,500.00	717,220.00	667,700.00	717,220.00	100.00	0.00	0.00
199	51	--	PLANT MAINTENANCE & OPERATIONS	10,047,719.00	11,080,709.00	1,649,616.39	10,404,049.54	95.15	139,235.22	537,424.24
52	SECURITY & MONITORING SERVICES									
199	52	61	PAYROLL COSTS	324,430.00	324,735.00	11,296.45	297,981.99	91.76	0.00	26,753.01
199	52	62	PURCHASE & CONTRACTED SVS	967,030.00	962,887.00	111,534.10	929,109.42	96.56	687.00	33,090.58
199	52	63	SUPPLIES AND MATERIALS	154,782.00	102,233.96	71.19	75,510.50	76.54	2,741.00	23,982.46
199	52	64	OTHER OPERATING EXPENSES	55,500.00	71,866.00	1,325.40	40,155.92	56.96	776.80	30,933.28
199	52	--	SECURITY & MONITORING SERVICES	1,501,742.00	1,461,721.96	124,227.14	1,342,757.83	92.15	4,204.80	114,759.33

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered	
	FUND	FUNC	OB	OBJ	Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
199				GENERAL FUND							
E				Expense							
53				DATA PROCESSING SERVICES							
	199	53	61	PAYROLL COSTS	1,419,068.00	1,306,250.00	100,008.68	1,237,648.19	94.75	0.00	68,601.81
	199	53	62	PURCHASE & CONTRACTED SVS	42,450.00	149,518.30	27,053.95	134,877.15	93.31	4,639.52	10,001.63
	199	53	63	SUPPLIES AND MATERIALS	588,840.00	438,139.70	880.10	422,571.98	97.54	4,800.00	10,767.72
	199	53	64	OTHER OPERATING EXPENSES	15,035.00	20,155.00	1,490.32	14,105.43	76.35	1,282.46	4,767.11
	199	53	--	DATA PROCESSING SERVICES	2,065,393.00	1,914,063.00	129,433.05	1,809,202.75	95.08	10,721.98	94,138.27
71				DEBT SERVICES							
	199	71	65	DEBT SERVICE	0.00	2,342,608.00	0.00	2,342,542.54	100.00	0.00	65.46
	199	71	--	DEBT SERVICES	0.00	2,342,608.00	0.00	2,342,542.54	100.00	0.00	65.46
95				PYMTS.TO JJAEP PROGRAMS							
	199	95	62	PURCHASE & CONTRACTED SVS	75,000.00	20,000.00	150.56	150.56	0.75	0.00	19,849.44
	199	95	--	PYMTS.TO JJAEP PROGRAMS	75,000.00	20,000.00	150.56	150.56	0.75	0.00	19,849.44
97				PAYMENTS TO TAX INCREMENT FUND							
	199	97	64	OTHER OPERATING EXPENSES	17,486,573.00	17,171,391.00	0.00	17,164,845.90	99.96	0.00	6,545.10
	199	97	--	PAYMENTS TO TAX INCREMENT FUND	17,486,573.00	17,171,391.00	0.00	17,164,845.90	99.96	0.00	6,545.10
99				Tax Costs							
	199	99	62	PURCHASE & CONTRACTED SVS	661,600.00	677,600.00	178,020.34	676,380.95	99.82	0.00	1,219.05
	199	99	--	Tax Costs	661,600.00	677,600.00	178,020.34	676,380.95	99.82	0.00	1,219.05
	199	--	--	Expense	112,889,379.00	117,776,405.96	5,201,922.63	115,088,901.93	97.96	279,556.51	2,407,947.52
	199	--	--	GENERAL FUND	1,226,039.00	368,435.00	7,528,169.41	2,475,464.72	590.53	-299,757.62	-1,807,272.10



MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>2021-22</u> <u>Original Budget</u>	<u>2021-22</u> <u>Revised Budget</u>	<u>June 2021-22</u> <u>Monthly Activity</u>	<u>2021-22</u> <u>FYTD Activity</u>	<u>2021-22</u> <u>FYTD %</u>	<u>Encumbered</u> <u>Amount</u>	<u>Unencumbered</u> <u>Balance</u>
240			FOOD SERVICE							
R			Revenue							
00										
240	00	57	REVENUE-LOCAL & INTERMED	2,433,261.00	641,111.00	30,653.94	635,784.71	99.17	0.00	5,326.29
240	00	58	STATE PROGRAM REVENUES	11,668.00	13,645.00	0.00	13,644.17	99.99	0.00	0.83
240	00	59	FEDERAL PROGRAM REVENUES	1,460,074.00	5,462,974.00	625,208.62	5,630,691.10	103.07	0.00	-167,717.10
240	00	--		3,905,003.00	6,117,730.00	655,862.56	6,280,119.98	102.65	0.00	-162,389.98
240	--	--	Revenue	3,905,003.00	6,117,730.00	655,862.56	6,280,119.98	102.65	0.00	-162,389.98

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
				Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
240			FOOD SERVICE							
E			Expense							
35			FOOD SERVICES							
240	35	61	PAYROLL COSTS	79,876.00	80,076.00	4,855.69	70,493.51	88.03	0.00	9,582.49
240	35	62	PURCHASE & CONTRACTED SVS	3,458,100.00	4,927,100.00	606,812.09	4,518,607.87	92.72	49,942.31	358,549.82
240	35	63	SUPPLIES AND MATERIALS	216,124.00	800,624.00	130,094.17	501,514.77	83.71	168,685.00	130,424.23
240	35	64	OTHER OPERATING EXPENSES	3,500.00	13,810.00	0.00	2,945.10	21.33	0.00	10,864.90
240	35	66	CPTL OUTLY LAND BLDG & EQUIP	0.00	743,000.00	0.00	212,509.30	36.62	59,560.48	470,930.22
240	35	--	FOOD SERVICES	3,757,600.00	6,564,610.00	741,761.95	5,306,070.55	85.07	278,187.79	980,351.66
51			PLANT MAINTENANCE & OPERATIONS							
240	51	61	PAYROLL COSTS	6,500.00	6,500.00	0.00	0.00	0.00	0.00	6,500.00
240	51	62	PURCHASE & CONTRACTED SVS	51,000.00	66,000.00	80.00	920.00	1.39	0.00	65,080.00
240	51	--	PLANT MAINTENANCE & OPERATIONS	57,500.00	72,500.00	80.00	920.00	1.27	0.00	71,580.00
240	--	--	Expense	3,815,100.00	6,637,110.00	741,841.95	5,306,990.55	84.15	278,187.79	1,051,931.66
240	--	--	FOOD SERVICE	89,903.00	-519,380.00	-85,979.39	973,129.43	-133.80	-278,187.79	-1,214,321.64

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

				2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
				Original Budget	Revised Budget	Monthly Activity	FYTD Activity	FYTD %	Amount	Balance
<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>							
599			DEBT SERVICE							
R			Revenue							
00										
599	00	57	REVENUE-LOCAL & INTERMED	32,828,848.00	32,457,447.00	188,803.67	32,494,788.10	100.12	0.00	-37,341.10
599	00	58	STATE PROGRAM REVENUES	299,485.00	311,691.00	0.00	461,518.00	148.07	0.00	-149,827.00
599	00	--		33,128,333.00	32,769,138.00	188,803.67	32,956,306.10	100.57	0.00	-187,168.10
599	--	--	Revenue	33,128,333.00	32,769,138.00	188,803.67	32,956,306.10	100.57	0.00	-187,168.10

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

<u>FUND</u>	<u>FUNC</u>	<u>OB</u>	<u>OBJ</u>	<u>2021-22 Original Budget</u>	<u>2021-22 Revised Budget</u>	<u>June 2021-22 Monthly Activity</u>	<u>2021-22 FYTD Activity</u>	<u>2021-22 FYTD %</u>	<u>Encumbered Amount</u>	<u>Unencumbered Balance</u>
599			DEBT SERVICE							
E			Expense							
71			DEBT SERVICES							
599	71	65	DEBT SERVICE	33,128,333.00	33,618,559.00	0.00	33,606,057.51	99.96	0.00	12,501.49
599	71	--	DEBT SERVICES	33,128,333.00	33,618,559.00	0.00	33,606,057.51	99.96	0.00	12,501.49
599	--	--	Expense	33,128,333.00	33,618,559.00	0.00	33,606,057.51	99.96	0.00	12,501.49
599	--	--	DEBT SERVICE	0.00	-849,421.00	188,803.67	-649,751.41	76.49	0.00	-199,669.59

MIDLOTHIAN I.S.D.  
Comparison of Revenues and Expenditures to Budget (Date: 6/2022)

07/07/22

<u>FUND</u> <u>FUNC</u> <u>OB</u> <u>OBJ</u>	2021-22	2021-22	June 2021-22	2021-22	2021-22	Encumbered	Unencumbered
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Monthly Activity</u>	<u>FYTD Activity</u>	<u>FYTD %</u>	<u>Amount</u>	<u>Balance</u>
Grand Revenue Totals	151,626,758.00	160,184,386.42	15,073,916.49	159,805,578.96	99.75	-20,201.11	399,008.57
Grand Expense Totals	151,536,855.00	162,116,256.42	6,934,323.03	157,800,243.46	97.69	572,205.09	3,743,807.87
Grand Totals	89,903.00	1,931,870.00	8,139,593.46	2,005,335.50	-103.80	592,406.20	3,344,799.30
	Profit	Loss	Profit	Profit		Loss	Loss

Number of Accounts: 5190

\*\*\*\*\* End of report \*\*\*\*\*

Projected Capital Project Needs  
As of October 18, 2021  
Fund Balance Report

	2016 Bonds	General Fund Balance-Assigned for Construction	Nonspendable Fund Balance for Inventories and Prepaid Items	Committed Fund Balance for Capital Expenditures & Equipment	Unassigned Fund Balance	Total Fund Balance
Current Year Capital Expenditures and Equipment <u>Audited June 30, 2021 Balance</u>	\$ 82,442,007	\$ 13,500,000	\$ 52,927	\$ 9,066,734	\$ 10,318,359	\$ 32,938,020
Current Year Adjustments to Fund Balance				(6,023,728)	6,023,728	-
July - September Interest Revenue	4,795					
July - September Expenses	(11,093,016)					
Funds Committed for Projects	(66,680,246)					
	(77,768,467)	-	-	(6,023,728)	6,023,728	-
<u>Estimated Balances as of October 18, 2021</u>	<u>\$ 4,673,540</u>	<u>\$ 13,500,000</u>	<u>\$ 52,927</u>	<u>\$ 3,043,006</u>	<u>\$ 16,342,087</u>	<u>\$ 32,938,020</u>
<u>Other Proposed Projects for Transportation, Athletics, Maintenance and Technology (Replacement Schedules) and Additions to Bus Fleet for Growth</u>						
Fiscal Year 2021-22				3,043,006		3,043,006
Fiscal Year 2022-23					3,355,906	3,355,906
Fiscal Year 2023-24					4,772,791	4,772,791
Fiscal Year 2024-25					1,148,231	1,148,231
Fiscal Year 2025-26					477,076	477,076
Total Est. Project Costs Fiscal Years 2021-26		-	-	3,043,006	9,754,004	12,797,010
<u>Estimated Balances as of June 30, 2026</u>		<u>\$ 13,500,000</u>	<u>\$ 52,927</u>	<u>\$ -</u>	<u>\$ 6,588,083</u>	<u>\$ 20,141,010</u>

Recommendations for 2021-22 Fund Balance Uses

Addition to bus fleet for growth 3 Regular Ed buses and 1 Special Ed bus	\$ 400,000
Replacement Schedules 2021-2022	
Band Instruments per replacement schedule	97,856
Transportation per replacement schedule	284,000
Athletics per replacement schedule	725,000
Maintenance per replacement schedule	1,536,150
Technology per replacement schedule	-
Total Estimated Growth and Capital Projects	<u>\$ 3,043,006</u>

**FIRST FINANCIAL BANK**

June 2022 Statement

Page 1 of 3

Open Date: 05/04/2022 Closing Date: 06/02/2022



Visa® Community Card  
MIDLOTHIAN IDS

Account: .

Cardmember Service  
BUS 30 ELN 8

1-866-552-8855  
2

**New Balance** \$6,818.45  
**Minimum Payment Due** \$6,818.45  
**Payment Due Date** 07/01/2022  
**Late Payment Warning:** As a reminder, your card is a pay in full product. If we do not receive your payment in full by the date listed above, a fee of either 3.00% of the payment due or \$39.00 minimum, whichever is greater, will apply.

**Activity Summary**

Previous Balance	+	\$531.45
Payments	-	\$531.45CR
Other Credits		\$0.00
Purchases	+	\$6,818.45
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged		\$0.00
<b>New Balance</b>	=	<b>\$6,818.45</b>
<b>Past Due</b>		<b>\$0.00</b>
<b>Minimum Payment Due</b>		<b>\$6,818.45</b>
Credit Line		\$20,000.00
Available Credit		\$13,181.55
Days in Billing Period		30

RECEIVED  
JUN 14 2022  
BUSINESS OFFICE

**Payment Options:**

Mail payment coupon  
with a check



Pay online at  
myaccountaccess.com



Pay by phone  
1-866-552-8855

Please detach and send coupon with check payable to: Cardmember Service CPN 002079425

**FIRST FINANCIAL BANK**

0047985100666022160006818450006818453

24-Hour Cardmember Service: 1-866-552-8855

☎ . to pay by phone  
☎ . to change your address

000008826 01 SP 000638207890889 P Y

MIDLOTHIAN IDS  
ACCOUNTS PAYABLE  
100 WALTER STEPHENSON RD  
MIDLOTHIAN TX 76065-3418



Account Number	
Payment Due Date	7/01/2022
New Balance	\$6,818.45
Minimum Payment Due	\$6,818.45

Amount Enclosed \$ \_\_\_\_\_

**Cardmember Service**

P.O. Box 790408  
St. Louis, MO 63179-0408



# FIRST FINANCIAL BANK

June 2022 Statement 05/04/2022 - 06/02/2022

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MIDLOTHIAN IDS

Cardmember Service

1-866-552-8855

## Important Messages

**Paying Interest:** You have a 24 to 30 day interest-free period for Purchases provided you have paid your previous balance in full by the Payment Due Date shown on your monthly Account statement. In order to avoid additional INTEREST CHARGES on Purchases, you must pay your new balance in full by the Payment Due Date shown on the front of your monthly Account statement.

There is no interest-free period for transactions that post to the Account as Advances or Balance Transfers except as provided in any Offer Materials. Those transactions are subject to interest from the date they post to the Account until the date they are paid in full.

**SKIP THE MAILBOX.** Switch to e-statements and securely access your statements online. Get started at [myaccountaccess.com/paperless](http://myaccountaccess.com/paperless)

## Transactions NORRIS, JAMES T Credit Limit \$20000

Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
<b>Purchases and Other Debits</b>					
05/04	05/02	4289	SOUTHWES 5262114495935 800-435-9792 TX BRIDGINS/CAELE 06/12/22 DALLAS LOVE TO CHGO MIDWAY CHGO MIDWAY TO LOUISVILLE K LOUISVILLE K TO CHGO MIDWAY CHGO MIDWAY TO DALLAS LOVE	✓ \$678.97	1
05/04	05/02	4297	SOUTHWES 5262114495934 800-435-9792 TX YOUNG/JADE MYR 06/12/22 DALLAS LOVE TO CHGO MIDWAY CHGO MIDWAY TO LOUISVILLE K LOUISVILLE K TO CHGO MIDWAY CHGO MIDWAY TO DALLAS LOVE	✓ \$678.97	1
05/04	05/02	4305	SOUTHWES 5262114495933 800-435-9792 TX TOBEY/TREVOR D 06/12/22 DALLAS LOVE TO CHGO MIDWAY CHGO MIDWAY TO LOUISVILLE K LOUISVILLE K TO CHGO MIDWAY CHGO MIDWAY TO DALLAS LOVE	✓ \$678.97	1
05/04	05/02	4313	SOUTHWES 5262114495932 800-435-9792 TX BOGY/KRISTIL 06/12/22 DALLAS LOVE TO CHGO MIDWAY CHGO MIDWAY TO LOUISVILLE K LOUISVILLE K TO CHGO MIDWAY CHGO MIDWAY TO DALLAS LOVE	✓ \$678.97	1
05/04	05/02	4321	SOUTHWES 5262114495931 800-435-9792 TX KUYKENDALL/LAU 06/12/22 DALLAS LOVE TO CHGO MIDWAY CHGO MIDWAY TO LOUISVILLE K LOUISVILLE K TO CHGO MIDWAY CHGO MIDWAY TO DALLAS LOVE	✓ \$678.97	1
				3394.85	
05/09	05/05	5443	SOUTHWES 5262115573604 800-435-9792 TX PRATT/DEMI 07/15/22 CHGO MIDWAY TO HOUSTN HOBBY	✓ \$215.98	2
05/09	05/05	5450	SOUTHWES 5262115571743 800-435-9792 TX PRATT/DEMI 07/12/22 DALLAS LOVE TO CHGO MIDWAY	✓ \$172.98	2
05/09	05/05	5468	SOUTHWES 5262115682012 800-435-9792 TX KUNN/MELODI 07/12/22	✓ \$388.96	2
				777.92	

Continued on Next Page



# FIRST FINANCIAL BANK

June 2022 Statement 05/04/2022 - 06/02/2022  
MIDLOTHIAN IDS

Cardmember Service 1-866-552-8855

Page 3 of 3

Transactions		NORRIS, JAMES T		Credit Limit \$20000	
Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
			DALLAS LOVE TO CHGO MIDWAY CHGO MIDWAY TO DALLAS LOVE		
05/12	05/11	1207	TX EDUCATN AGY CERT EGOV.COM TX	✓ \$57.25	31
05/12	05/11	1231	TX EDUCATN AGY CERT EGOV.COM TX	✓ \$57.25	30
05/12	05/11	1264	TX EDUCATN AGY CERT EGOV.COM TX	✓ \$57.25	30
05/12	05/11	1298	TX EDUCATN AGY CERT EGOV.COM TX	✓ \$57.25	30
05/17	05/16	7421	ENVATO 613-837-6628 UT	✓ \$198.00	4
05/17	05/16	5723	SOUNDSTRIPE WWW.SOUNDSTRI TN	✓ \$245.00	5
05/19	05/17	9226	SAMSCLUB.COM 888-746-7726 AR	✓ \$229.12	6
05/19	05/18	9337	ECCKER SPORTS HTTPSECCKERSP NE	✓ \$1,200.00	7
05/24	05/23	7948	Epos Now LLC 855-4343767 FL	✓ \$39.00	8
05/27	05/25	8574	EMBASSY STES AUSTIN AUSTIN TX	✓ \$40.16	9
05/31	05/28	1186	SAMSCLUB.COM 888-746-7726 AR	✓ \$445.40	10
06/01	05/31	0072	TX OAG OPEN RECORDS EGOV.COM TX	✓ \$15.00	11
06/01	05/31	0080	TX OAG OPEN RECORDS EGOV.COM TX	✓ \$5.00	11
Total for Account 4798 5100 6660 2224				\$6,818.45	

Transactions		BILLING ACCOUNT ACTIVITY			
Post Date	Trans Date	Ref #	Transaction Description	Amount	Notation
Payments and Other Credits					
05/18	05/15	0083	PAYMENT THANK YOU	\$531.45	CR
Total for Account				\$531.45	CR

2022 Totals Year-to-Date	
Total Fees Charged in 2022	\$0.00
Total Interest Charged in 2022	\$0.00

## Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

\*\*APR for current and future transactions.

Balance Type	Balance By Type	Balance Subject to Interest Rate	Variable	Interest Charge	Annual Percentage Rate	Expires with Statement
**BALANCE TRANSFER	\$0.00	\$0.00		\$0.00	0.00%	
**PURCHASES	\$6,818.45	\$0.00		\$0.00	0.00%	
**ADVANCES	\$0.00	\$0.00		\$0.00	0.00%	

End of Statement

Jun-22	DATE	VENDOR	ORGANIZATION	DESCRIPTION	ACCOUNT	AMOUNT	
	2-May	SOUTHWEST	MHS - DEBATE	AIRFARE FOR NAT'L POST DISTRICT	199.36.6412.00.999.0.99.999	3394.85	1
	5-May	SOUTHWEST	THE MILE	UNCHARTED LEARNING CONF - CHICAGO	199.13.6411.00.867.0.88.867	777.92	2
	11-May	TEA	THE MILE	EDUCATIONAL AID CERTS FOR STUDENTS	199.11.6499.00.867.0.22.867	229	3
	16-May	ENVATO	R. BLAND - COMM.,	ENVATO ELEMENTS YEARLY PALN	199.41.6299.00.747.0.99.747	198	4
	16-May	SOUNDSTRIPE	R. BLAND - COMM.,	MUSIC & SFX YEARLY PLAN	199.41.6398.00.747.0.99.747	245	5
	17-May	SAMSLUB.COM	SECURITY	SNACKS FOR EMERGENCY RESPONSE	199.52.6499.00.910.0.99.910	229.12	6
				EXERCISE ON MAY 19, 2022			
	18-May	ECCKER SPORTS	ATHLETICS	ONLINE NIL CURRICULUM	865.00.2191.82.003.0.00.850	1200	7
	23-May	EPOS NOW LLC	THE MILE	BISTRO POINT OF SALE	199.11.6399.01.001.0.22.022	39	8
	25-May	EMBASSY STUITES AUSTIN	MHS	MHS STATE POETRY COMPETITION	199.36.6412.00.999.0.99.999	40.16	9
	28-May	SAMSLUB.COM	T. MCGREW	SNACKS JUNE 6-7 ADMIN RETREAT	199.21.6497.00.999.0.99.999	111.35	10
	28-May	SAMSLUB.COM	T. MCGREW	SNACKS JUNE 6-7 ADMIN RETREAT	199.23.6497.00.999.0.99.999	222.7	"
	28-May	SAMSLUB.COM	T. MCGREW	SNACKS JUNE 6-7 ADMIN RETREAT	199.41.6497.00.999.0.99.999	111.35	"
	31-May	TX OAG OPEN RECORDS	T. MCGREW	PUBLIC INFO REQUESTS - SUBMISSIONS	199.41.6499.00.701.0.99.701	20	11
				TO THE OAG FOR RULINGS			
						6818.45	

# Midlothian ISD

## Bond Expenditures Update

As of June 30, 2022

Bond Election	Project	Original Budget	Revised Budget	Expenditures	Committed	Earned Interest	Available Funds
Nov 2016							
<b>Fund 694</b>	<b>HVAC Replacement</b>						
	Longbranch Elementary	\$ 1,300,000	\$ 1,690,354	\$ 1,690,354	\$ -	\$ -	(0)
	Mt. Peak Elementary	\$ 1,300,000	\$ 1,737,819	\$ 1,737,819	\$ -	\$ -	0
	MISD Auxiliary Facility	\$ 400,000	\$ 443,981	\$ 443,982	\$ -	\$ -	(0)
	Vitovsky Elementary		\$ 2,461,757	\$ 2,461,757	\$ -	\$ -	0
	Irvin Elementary Rebuild	\$ 28,000,000	\$ 23,960,655	\$ 23,960,655	\$ -	\$ -	0
	Land Purchase		\$ 919,956	\$ 919,956			-
	Technology Upgrades	\$ 18,000,000	\$ 18,000,000	\$ 16,569,878	\$ 174,245		\$ 1,255,878
	Dieterich Middle School (MS #3)	\$ 67,000,000	\$ 58,404,737	\$ 58,345,868	\$ 58,868		\$ -
	Renovate MS Playing Fields						
	Frank Seale MS	\$ 2,000,000	\$ 1,904,176	\$ 1,904,176	\$ -	\$ -	(0)
	Walnut Grove MS	\$ 2,000,000	\$ 1,588,827	\$ 1,588,827	\$ -	\$ -	0
	MHS Baseball/Softball/Tennis/FH	\$ 6,000,000	\$ 12,616,393	\$ 12,616,393	\$ -	\$ -	-
	Land Purchase		\$ 919,956	\$ 919,956			-
	Roesler Fieldhouse / Fields	\$ 25,000,000	\$ 15,009,673	\$ 15,009,673			\$ 0
	Renovations to Existing Campuses	\$ 10,000,000	\$ -				\$ -
	Baxter Elementary		\$ 1,067,118	\$ 1,067,118	\$ -	\$ -	-
	Longbranch Elementary		\$ 772,039	\$ 772,039	\$ -	\$ -	-
	Mt. Peak Elementary		\$ 774,701	\$ 774,701	\$ -	\$ -	-
	Vitovsky Elementary		\$ 766,564	\$ 766,564	\$ -	\$ -	-
	Miller Elementary		\$ 747,959	\$ 747,959	\$ -	\$ -	0
	Frank Seale Middle School		\$ 1,177,790	\$ 1,177,790	\$ -	\$ -	-
	Walnut Grove Middle School		\$ 1,179,463	\$ 1,179,463	\$ -	\$ -	-
	Midlothian High School		\$ 2,428,346	\$ 2,428,346	\$ -	\$ -	0
	Heritage High School		\$ 11,880	\$ 11,880	\$ -	\$ -	-
	MHS Auditorium		\$ 881,341	\$ 881,341	\$ -	\$ -	0
	Roof Replacement						
	Longbranch Elementary	\$ 500,000	\$ 350,031	\$ 350,031	\$ -	\$ -	-
	Mt. Peak Elementary	\$ 500,000	\$ 350,031	\$ 350,031	\$ -	\$ -	-
	Vitovsky Elementary	\$ -	\$ 349,902	\$ 349,902	\$ -	\$ -	-
	MILE/Jenkins/DAEP		\$ 1,202,513	\$ 1,200,934	\$ 1,578	\$ 0	0
	Baxter Elementary		\$ 1,531,759	\$ 1,531,126	\$ 634	\$ 0	0
	Frank Seale Middle School		\$ 2,091,967	\$ 2,091,334	\$ 634	\$ (0)	0
	Hill Support Center		\$ 429,732	\$ 428,984	\$ 748	\$ 0	0
	Mills Administration		\$ 666,975	\$ 666,160	\$ 815	\$ (0)	0
	MILE & Jenkins (Irvin Renovations)	\$ 2,000,000	\$ 5,405,734	\$ 5,405,734	\$ -	\$ -	0
	Randall Hill Support Center (Jenkins)	\$ 1,000,000	\$ 2,000,000	\$ 1,845,726	\$ 4,414	\$ 149,859	
	Jean Coleman Elementary	\$ 32,000,000	\$ 29,591,903	\$ 22,032,840	\$ 7,559,063	\$ (0)	
	Multi-Purpose Stadium	\$ 3,000,000	\$ 3,000,000	\$ 1,203,227.95	\$ 1,796,772	\$ (0)	
	Heritage HS Additions	\$ 68,000,000	\$ 63,659,470	\$ 53,760,726	\$ 7,082,378	\$ 2,816,366	
	Land - School Sites	\$ -	\$ 4,088,486	\$ 1,244,790	\$ 2,843,696	\$ 0	
	Special Projects/Paid by Interest						
	Longbranch Elementary Parking		\$ 787,120	\$ 787,120	\$ -	\$ -	-
	Mt. Peak Elementary Parking		\$ 525,367	\$ 525,367	\$ -	\$ -	-
	Baxter Video Marquee		\$ 34,064	\$ 34,064	\$ -	\$ -	-
	Vitovsky Video Marquee		\$ 35,264	\$ 35,264	\$ -	\$ -	-
	Longbranch Video Marquee		\$ 34,995	\$ 34,995	\$ -	\$ -	-
	Mt. Peak Video Marquee		\$ 34,995	\$ 34,995	\$ -	\$ -	-
	MISD Stadium Concessions		\$ 62,287	\$ 62,287	\$ -	\$ -	-
	FSMS Bus Drive		\$ 180,994	\$ 180,994	\$ -	\$ -	-
	MHS Arena		\$ 652,164	\$ 646,864	\$ 5,300	\$ 0	
	Old Bus Barn Demo/MILE Parking		\$ 299,998	\$ 127,620	\$ 150,259	\$ 22,119	
	Hill Maintenance Parking		\$ 1,091,454	\$ 448,834	\$ 553,800	\$ 88,820	
	Safety & Security		\$ 301,658	\$ 293,923	\$ 7,735	\$ -	
	Stadium Improvements		\$ 1,050,749	\$ 643,201	\$ 193,167	\$ 214,381	
	Unallocated	\$ -	\$ 3,509,077	\$ -	\$ -	\$ -	\$ 3,509,077
	Earned Interest	\$ -	\$ (4,784,176)	\$ -	\$ -	\$ 4,784,176	\$ -
<b>Total</b>		<b>\$ 268,000,000</b>	<b>\$ 268,000,000</b>	<b>\$ 244,293,572</b>	<b>\$ 20,434,104.95</b>	<b>\$ 4,784,176</b>	<b>\$ 8,056,499</b>

Cash Recap	2017-A Bonds	Sources	Expenditures	Earned Interest
		\$ 28,000,000		
	2017-B Bonds	\$ 40,000,000		
	2018 Bonds	\$ 80,000,000		
	2020 Bonds	\$ 120,000,000		
	<b>Totals</b>	<b>\$ 268,000,000</b>	<b>\$ 244,293,572</b>	<b>\$ 4,784,175.77</b>
			<b>Cash Balance</b>	<b>\$ 28,490,604.18</b>
			<b>TexPool Balance</b>	<b>\$ 28,490,604.18</b>

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Consider Designation of the 2022 MISD Representative and Alternate for the TASB Delegate Assembly	
<b>Agenda Location:</b>	DISCUSSION/ACTION: CHIEF OF STAFF	
<b>Template Attachments:</b>	No	PDF
<b>If yes, then select what applies:</b>	PDF	PDF
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> Delegates play an important role in TASB's governance—helping develop the vision for the Association. Each year the Board selects a representative and an alternate to the TASB Delegate Assembly which meets at the TASB fall conference. The 2022 Delegate Assembly will be held September 24 during the TASA   TASB Convention in San Antonio.</p> <p><b>WHAT:</b> As an action item, Trustees may select a delegate and alternate to represent MISD at this particular event.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Primary)</i>	2.3 Development of a High-performing Organizational System	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>		
<b>Fiscal Impact/Budget Function Code:</b>	Cost of registration to the event as well as travel and lodging to and from San Antonio.	
<b>Administration Recommendation</b>	This is a Board decision.	
<b>Motion:</b>	A motion might be, "I move to elect (insert name) as the MISD representative to the TASB Delegate Assembly for 2022 and (insert name) as the alternate."	
<b>Presenter:</b>	Jennifer Ellison	
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Receive an Update from the Board Curriculum and Instruction Subcommittee	
<b>Agenda Location:</b>	DISCUSSION/ACTION: CURRICULUM AND INSTRUCTION	
<b>Template Attachments:</b>	No	N/A
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> This agenda item offers an opportunity for subcommittee members to share and report specific information discussed at the meetings of various subcommittees of the Board.</p> <p>This update will be from Mr. Gonzalez on the Curriculum and Instruction Subcommittee.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.3 Continuous Improvement of Curriculum, Professional Development, and the Art and Science of Teaching	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	N/A	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>		
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	Presentation only	
<b>Presenter:</b>	Eduardo Gonzalez, Trustee	

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**Board Sub-Committee: Curriculum and Instruction**  
**April 20, 2022**

**Members:** Eduardo Gonzalez, Bobby Soto, Shelle Blaylock, Becki Krsnak, Melissa Wolfe

**Time:** 11:00 AM - 12:00 PM

**Location:** Zoom meeting

**Agenda:**

1. Welcome
  - a. Greetings Shared by All
  - b. Good Things - Information shared live from Capturing Kids Hearts Flagship Training (some MISD Administrators present)
2. Items of Discussion:
  - a. **Comprehensive Needs Assessment Process** - Updated process to meet state and federal requirements to inform evaluation of district needs
  - b. **Curriculum Resource Guides** - Formally referred to as *District Instructional Guides* (DIGs) - These new tools to support assessed grade levels were developed to address needs expressed by MISD staff during Conversations with Cabinet. These frameworks are being created this summer by expert MISD teachers to support Tier 1 instructional planning, teaching and intervention and then reviewed according to district instructional rubrics. Teachers will learn about these tools in August.
  - c. **Special Education Program Review and Cyclical Evaluation** - Information provided about special education program review by MoakCasey and upcoming TEA Cyclical Evaluation.
3. Closing

**Notes:**

## **Curriculum Sub-Committee Summary**

**Board Members present:** Bobby Soto & Eduardo Gonzalez

**Meeting date:** April 20, 2022 (virtual)

### **Objectives:**

- Comprehensive Needs Assessment Process
- Curriculum Resource Guides
- Special Education Program Review and Cyclical Evaluation

Comprehensive needs assessment (CNA) is a process that must be done by law under TEA code Chapter 39 Section 11.25(a) (1-2), 11.253, and ESSA, Title I Part A.

- Purpose of CNA is to examine data and identify priority needs and direction for schools
- Monitor and assess the impact of programs, instruction, and resources
- Focuses on Demographics, perceptions, student achievement, processes & programs
- Increase student performance

Who are CNA members?

- Parents, principals, student services, paraprofessionals, special education staff, students (secondary) teachers

Curriculum Resource Guides

- Midlothian ISD is creating instructional guides to support the art and science of teaching across contents.
- Guides include clear curriculum expectations and approved resources
- Created by MISD teachers

Special Education Review

- Partnership with Moak Casey educational consulting
  - Conduct interviews and focus groups
  - Campus visits
- Cyclical Monitoring every six years through Region 10
  - To support positive outcomes for students with disabilities and determine compliance with special education regulations
  - LEA submit artifacts of evidence for the seven compliance areas and promising practices

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Update 119: TASB Policy Update (LEGAL/LOCAL)	
<b>Agenda Location:</b>	INFORMATION ONLY	
<b>Template Attachments:</b>	Yes	PDF - <a href="#">Explanatory Notes</a>
<b>If yes, then select what applies:</b>	PDF - <a href="#">Local Comparison</a>	N/A
<b>Link to the presentation:</b>	Yes. See link in the box to the right.	<a href="https://docs.google.com/presentation/d/1Hg_LqZ_QKQfyPtaxhGzz_FSL2b79R0200okCovwPVAes/edit?usp=sharing">https://docs.google.com/presentation/d/1Hg_LqZ_QKQfyPtaxhGzz_FSL2b79R0200okCovwPVAes/edit?usp=sharing</a>
<b>Background Information</b>	<p><b>WHY:</b> LEGAL policies are for Board review. LOCAL policies in Update 119 requires Board action.</p> <p><b>WHAT:</b> Below are the local policies for review and consideration this month being presented as part of Update 119. These recommended policy revisions are a result of TASB policy review and align to LEGAL policy updates. Please see the <a href="#">Explanatory Notes</a> and the <a href="#">Local Comparison</a> for additional information.</p> <p><b>CPC</b> - Office Mgmt: Records Management  <b>DMA</b> - Professional Development: Required Staff Development  <b>EHAA</b> - Basic Instructional Program: Required Instruction  <b>EHB</b> - Curriculum Design: Special Programs  <b>EHBA</b> - Special Education: Identification, Evaluation &amp; Eligibility  <b>EHBB</b> - Special Programs: Gifted and Talented Students  <b>EIF</b> - Academic Achievement: Graduation  <b>FFBA</b> - Crisis Intervention: Trauma- Informed Care  <b>FFH</b> - Student Welfare: Freedom from Discrimination, Harassment, and Retaliation.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 1: Student Success	
<b>Performance Objective:</b> <i>(Primary)</i>	1.3 Continuous Improvement of Curriculum, Professional Development, and the Art and Science of Teaching	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	4.2 Effective and Efficient Cross-departmental Work Processes	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	SEE ABOVE	N/A



<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	INFORMATION ONLY	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Krista Tipton (ED)
	District Leadership	Executive Director (ED) or Director (D)

# Overview of Update 119

## Local Changes

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**July 18, 2022**

# CPC(LOCAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

---

Recent updates by the Texas State Library and Archives Commission (TSLAC) to Bulletin B: Electronic Records Standards and Procedures prompted recommended revisions to this local policy on records management. The new rules add local policy requirements for district management of electronic records.

# **DMA(LOCAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

---

**SB 1267 (Regular Session) requires the board to annually review the State Board for Educator Certification (SBEC) clearinghouse regarding best practices and industry recommendations for professional development and adopt a professional development policy based on the training recommendations in the clearinghouse.**

# **EHAA(LOCAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

---

Recent updates by the Texas State Library and Archives Commission (TSLAC) to Bulletin B: Electronic Records Standards and Procedures prompted recommended revisions to this local policy on records management. The new rules add local policy requirements for district management of electronic records.

# **EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

---

**This policy requiring the district to provide regular training opportunities for teachers of students with dyslexia is recommended to meet TEA policy requirements for the ongoing TEA special education cyclical monitoring reviews.**

# **EHBAA(LOCAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

---

**This policy requiring the district to ensure that a student who is transitioning from early childhood intervention (ECI) has an individualized education program (IEP) developed and implemented by the child's third birthday is recommended to meet TEA policy requirements for the ongoing TEA special education cyclical monitoring reviews.**

# **EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS**

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**HB 1525 (Regular Session) removed the statutory requirement for a district to annually certify to the commissioner of education that the district's gifted and talented program is consistent with the Texas State Plan for the Education of Gifted/Talented Students. We recommend deletion of the corresponding local policy provision.**



# EIF(LOCAL) ACADEMIC ACHIEVEMENT: GRADUATION

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Revised Administrative Code rules require a board policy to address the methods by which a student can confirm completion and submission of a financial aid application to meet graduation requirements. The recommended text aligns with TEA guidance and addresses methods for both the free application for federal financial aid (FAFSA) and the Texas application for state financial aid (TASFA).

# FFBA(LOCAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE

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SB 1267 (Regular Session) requires training in trauma-informed care to be provided in accordance with the board's professional development policy. Therefore, at Training, a reference has been added to the district's professional development plan.

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

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To meet new board policy requirements from SB 9 (Second Called Session), we recommend text at Notice to Parents, which requires the district, upon receipt of a report of dating violence, to immediately notify the parent of the student identified as the alleged victim or perpetrator.

District policy must also include reporting procedures and guidelines for students who are victims of dating violence and include a clear statement that dating violence is not tolerated at school.



# Localized Policy Manual Update 119

## 070908 Midlothian ISD

Update 119 contains (LOCAL) policies that require board action and adoption notification before we can incorporate the revisions into your district's Policy Online™ manual.

### What should I do to prepare for board adoption?

1. In [Local Manual Updates](#)<sup>1</sup> (*myTASB login required*), download and save the numbered update resource material.
2. Present the (LOCAL) policies to your board for adoption.
3. Following board action, notify Policy Service of adoption so we can incorporate the adopted policies into your district's Policy Online manual.
4. If there are additional changes, submit the annotated changes with your Adoption Notification Form.

### How do I notify Policy Service that the board has adopted the update?

1. Go to [Local Manual Updates](#) and click the "notify TASB" link.
2. Fill out and submit the electronic Adoption Notification Form for TASB-Initiated Updates.

### Questions?

- If you have questions regarding Policy Online, contact [pol-support@tasb.org](mailto:pol-support@tasb.org).
- If you have questions regarding policy text, contact your [district's assigned policy consultant](#).<sup>2</sup>

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<sup>1</sup> Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

<sup>2</sup> Contact a Policy Service Consultant: <https://www.tasb.org/services/policy-service/consultant-contact-information.aspx>



# Localized Policy Manual Update 119

Midlothian 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](#)<sup>1</sup> 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](#).<sup>2</sup>

**Need help?** Please call your policy consultant at 800-580-7529 or email [policy.service@tasb.org](mailto:policy.service@tasb.org).

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## Overview

Update 119 includes policy recommendations to address the remainder of the legislative changes from the 87th Legislature, Regular Session; other revisions resulting from legislation enacted during the special sessions; and revisions based on updates to the Texas Administrative Code. Recommended changes to local policies address the following topics:

- Records management
- Required staff development
- Required instruction
- Gifted and talent students
- Graduation
- Trauma-informed care
- Freedom from discrimination, harassment, and retaliation

Your Localized Update 119 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.

## Local Policy Overview for Update 119

The *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. Presented in both video and written document formats, the *Local Policy Overview* is available on myTASB in [Policy Manual Update Resources](#).<sup>3</sup> From there, you may forward it electronically or print the written document for distribution to staff and board members.

## Legal Services Update Memo

TASB Legal Services' [Legal Issues in Update 119 memo](#)<sup>4</sup> (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 119:*

- *(LEGAL) policies*
- *(LOCAL) policies (see attached list of codes)”*

**(LEGAL) policies:** Although the board should not adopt (LEGAL) policies, TASB recommends that the board review them. Since review of the (LEGAL) policies may result in discussion, the agenda should, at a minimum, reference “(LEGAL) policies.” If board members plan on discussing specific (LEGAL) policy changes, the relevant policy codes, titles, and subtitles should be listed on the agenda.

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

- Include the “Agenda Posting” list, provided online in Local Manual Updates, on the agenda.
- 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 119 [with the following changes:]”*

## How to Notify Policy Service of Board Action

Notify Policy Service of the board’s action on Update 119 so our records remain accurate. Go to [Local Manual Updates](#)<sup>5</sup> in myTASB and click the “notify TASB” link. Then fill out and submit the electronic Adoption Notification Form for TASB-Initiated Updates.



## How to Keep Minutes

The board's action on Localized Update 119 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](#),<sup>6</sup> available in the myTASB Policy Service Resource Library.

## How to Keep Your Administrative Regulations Current

[Regulations Resource Manual](#)<sup>7</sup> Update 65, which includes revisions to model regulations and forms corresponding with Update 119, 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 119 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

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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<sup>1</sup> Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

<sup>2</sup> Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

<sup>3</sup> Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

<sup>4</sup> Legal Issues memo: [https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u119\\_legal\\_issues.pdf](https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u119_legal_issues.pdf)

<sup>5</sup> Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

<sup>6</sup> Administrator's Guide to Policy Management: <https://www.tasb.org/services/policy-service/mytasb/guidance-for-policy-administrators.aspx>

<sup>7</sup> *TASB Regulations Resource Manual*: <https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx>



# Instruction Sheet

## TASB Localized Policy Manual Update 119

### Midlothian ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIB	(LEGAL)	Replace policy	Revised policy
BBB	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BBE	(LEGAL)	Replace policy	Revised policy
BBG	(LEGAL)	Replace policy	Revised policy
BBI	(LEGAL)	Replace policy	Revised policy
BDAA	(LEGAL)	Replace policy	Revised policy
BDB	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CDB	(LEGAL)	Replace policy	Revised policy
CDC	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CI	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CPC	(LOCAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DECB	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
DMA	(LOCAL)	ADD policy	See explanatory note
DP	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy

# Instruction Sheet

## TASB Localized Policy Manual Update 119

### Midlothian ISD

Code	Type	Action To Be Taken	Note
EHAA	(LOCAL)	Replace policy	Revised policy
EHB	(LOCAL)	ADD policy	See explanatory note
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LOCAL)	ADD policy	See explanatory note
EHBAB	(LEGAL)	Replace policy	Revised policy
EBHAC	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHDE	(LEGAL)	Replace policy	Revised policy
EHDF	(LEGAL)	ADD policy	See explanatory note
EIF	(LEGAL)	Replace policy	Revised policy
EIF	(LOCAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EMB	(LEGAL)	Replace policy	Revised policy
FEC	(LEGAL)	Replace policy	Revised policy
FFBA	(LOCAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FFH	(LOCAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FNA	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
FOCA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy
GKG	(LEGAL)	Replace policy	Revised policy

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### ATTN(NOTE)

#### GENERAL INFORMATION ABOUT THIS UPDATE

**Please note:** Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Legislature Regular and Special Sessions.

#### AIB(LEGAL)

#### ACCOUNTABILITY: PERFORMANCE REPORTING

Quality of learning indicators for remote instruction performance reporting have been added from SB 15 (Second Called Session). (See page 6.)

#### BBB(LEGAL)

#### BOARD MEMBERS: ELECTIONS

Provisions have been added to this legally referenced policy on elections for a more complete presentation of applicable legal content.

#### BBBA(LEGAL)

#### ELECTIONS: CONDUCTING ELECTIONS

Upon the board's receipt of certification that a candidate is unopposed in an election, SB 1 (Second Called Session) requires the board to cancel the election and declare each unopposed candidate elected to office.

SB 1 also changed the definition for *eligible county polling place*. Other revisions are to better match legal sources.

#### BBE(LEGAL)

#### BOARD MEMBERS: AUTHORITY

Provisions on board authority that are addressed at other codes have been removed to eliminate duplication.

#### BBG(LEGAL)

#### BOARD MEMBERS: COMPENSATION AND EXPENSES

A revision clarifies that an officer *or employee* may participate in the comptroller's contract for travel services when traveling for official business. The comptroller can no longer charge fees for these services.

#### BBI(LEGAL)

#### BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS

Revisions are to update citations and better reflect legal sources.

#### BDAA(LEGAL)

#### OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD OFFICERS

Revisions are to better reflect legal sources.

#### BDB(LEGAL)

#### BOARD INTERNAL ORGANIZATION: INTERNAL COMMITTEES

Provisions on board committees have been revised based on current legal authority.

#### BE(LEGAL)

#### BOARD MEETINGS

This legally referenced policy on board meetings has been revised to reorder and add some existing legal provisions, delete nonessential provisions, and better reflect legal sources.

#### BQ(LEGAL)

#### PLANNING AND DECISION-MAKING PROCESS

Revised Administrative Code rules resulted in changes to shared services arrangements for DAEP services.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### CCGA(LEGAL)

#### AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

As provided by SB 611 (Regular Session) and Senate Joint Resolution 35 and approved by voters in November 2021, the surviving spouse of a member of the U.S. armed forces who is fatally injured in the line of duty is entitled to the residence homestead property tax exemption as long as the surviving spouse remains unmarried. (See page 5.)

#### CDB(LEGAL)

#### OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

Revisions are to better reflect statutory sources.

#### CDC(LEGAL)

#### OTHER REVENUES: GIFTS AND SOLICITATIONS

SB 3 (Second Called Session) revised the provisions on prohibited use of private funding for certain curriculum and professional development purposes.

#### CH(LEGAL)

#### PURCHASING AND ACQUISITION

We have added a reference on page 12 to amended rules from the Texas Department of Information Resources on purchasing information technology commodity items.

#### CI(LEGAL)

#### SCHOOL PROPERTIES DISPOSAL

Revisions are to better reflect statutory sources.

#### CPC(LEGAL)

#### OFFICE MANAGEMENT: RECORDS MANAGEMENT

Revisions to this legally referenced policy are based on revised Administrative Code rules from the Texas State Library and Archives Commission (TSLAC) published in [Bulletin B: Electronic Records Standards and Procedures](#). An [overview of Bulletin B](#) is available on the TSLAC website.

#### CPC(LOCAL)

#### OFFICE MANAGEMENT: RECORDS MANAGEMENT

Recent updates by the Texas State Library and Archives Commission (TSLAC) to [Bulletin B: Electronic Records Standards and Procedures](#) prompted recommended revisions to this local policy on records management. The new rules add local policy requirements for district management of electronic records.

To meet these requirements, new policy provisions delegate to the records management officer the responsibility to develop procedures for the management of electronic records that comply with the district's records control schedules and meet minimum components required by law.

The [Regulations Resource Manual](#) includes updated sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### CQA(LEGAL)

#### TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

Based on HB 1525 (Regular Session) and SB 9 (Second Called Session), we have added the requirement to post curriculum materials on human sexuality instruction and instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking to the extent the materials are in the public domain. (See item 42.)

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### CRD(LEGAL)

#### INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE

Revisions to TRS-ActiveCare provisions are based on amended Administrative Code rules. New text addresses prohibitions on offering alternative group health coverage (see page 2) and highlights the information that must be submitted with written elections to participate in TRS-ActiveCare (see page 3).

#### CS(LEGAL)

#### FACILITY STANDARDS

Changes throughout this legally referenced policy on facility standards are from new Administrative Code rules that add extensive standards for capital improvement projects on or after November 1, 2021, and revised Administrative Code rules on the standards applicable to these projects before November 1, 2021.

#### CV(LEGAL)

#### FACILITIES CONSTRUCTION

Changes to this legally referenced policy on facilities construction are from new Administrative Code rules that add extensive facility standards for construction of capital improvement projects on or after November 1, 2021.

An existing provision has been added on page 3 regarding the board's notice of delegation.

#### DC(LEGAL)

#### EMPLOYMENT PRACTICES

We have added on page 4 new Administrative Code rules addressing the monthly certified statement of employment the district must submit to TRS for retirees employed by the district.

#### DEAA(LEGAL)

#### COMPENSATION PLAN: INCENTIVES AND STIPENDS

Changes reflect revised Administrative Code rules on the local optional teacher designation system and mentor teacher programs.

#### DECB(LEGAL)

#### LEAVES AND ABSENCES: MILITARY LEAVE

This legally referenced policy on military leave has been updated based on revisions to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

#### DFE(LEGAL)

#### TERMINATION OF EMPLOYMENT: RESIGNATION

Provisions on contract abandonment are revised based on amended rules from the State Board for Educator Certification. The reasons an educator may abandon a contract for good cause now include the educator's reasonable belief that the educator had written permission from the district to resign. Several new mitigating factors have also been added.

#### DG(LEGAL)

#### EMPLOYEE RIGHTS AND PRIVILEGES

SB 3 (Second Called Session) broadened a provision from HB 3979 (Regular Session) so that a teacher may not be compelled to discuss a widely debated and controversial issue of public policy or social affairs for any course or subject. The provision is no longer limited to social studies courses in the required curriculum. (See page 5.)

#### DHC(LEGAL)

#### EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

Amended Administrative Code rules revise terminology from *solicitation of sexual conduct* to *solicitation of sexual contact* to better align with statute.



# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### **DMA(LEGAL)**

#### **PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

Revisions are to update citations and better reflect statutory wording.

#### **DMA(LOCAL)**

#### **PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

SB 1267 (Regular Session) requires the board to annually review the State Board for Educator Certification (SBEC) clearinghouse regarding best practices and industry recommendations for professional development and adopt a professional development policy based on the training recommendations in the clearinghouse.

To meet the policy requirements, the recommended local policy text reflects that the board shall annually approve the district's professional development plan, which must be guided by the clearinghouse; note any differences from the clearinghouse recommendations; and include a schedule of required professional development.

**Please note:** SB 1267 requires SBEC to publish the clearinghouse by June 1, 2022, and districts to adopt a professional development policy by August 1, 2022. TASB Policy and Legal Services recommend that the board adopt DMA(LOCAL) and approve the district professional development plan by August 1, or as soon as possible thereafter, to ensure compliance with the bill.

#### **DP(LEGAL)**

#### **PERSONNEL POSITIONS**

Provisions on school psychological services have been updated based on revised Administrative Code rules.

#### **E(LEGAL)**

#### **INSTRUCTION**

The E section table of contents has been updated to add the new code EHDF, which includes provisions on local remote learning programs, and to update the subtitle for EFB, Library Materials.

#### **EF(LEGAL)**

#### **INSTRUCTIONAL RESOURCES**

SB 3 (Second Called Session) requires a district to provide login credentials to parents to access learning management or online learning portals used for student instructional materials.

#### **EHAA(LEGAL)**

#### **BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

Effective with the 2022–23 school year, SB 9 (Second Called Session) provides that the SHAC must recommend the appropriate grade levels and curriculum for instruction on child abuse, family violence, dating violence, and sex trafficking.

The bill also imposes several requirements regarding curriculum materials on those topics, including:

- Revised parental notification and new parental consent provisions;
- Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and
- New board policy on adopting curriculum materials [see EHAA(LOCAL), below].

The [\*Regulations Resource Manual\*](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### EHAA(LOCAL)

#### BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

New provisions are recommended based on SB 9 (Second Called Session), which imposes several requirements for instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, including a board policy on adopting curriculum materials. The policy follows the steps required by law, including board adoption of a resolution to convene the school health advisory council (SHAC) to hold meetings and make recommendations to the board at a public meeting, as well as board confirmation that the recommendations meet the requirements in law before taking action by a record vote.

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

#### EHB(LOCAL)

#### CURRICULUM DESIGN: SPECIAL PROGRAMS

This policy requiring the district to provide regular training opportunities for teachers of students with dyslexia is recommended to meet TEA policy requirements for the ongoing TEA special education [cyclical monitoring reviews](#).

**Please note:** This policy will need to be adopted by the board and linked to the [Legal Framework](#) by the August 31, 2022, deadline. See TEA's FAQ on [Special Education Operating Procedures](#).

#### EHBAA(LEGAL)

#### SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

Amended Administrative Code rules now refer to a student with an *auditory impairment* as a student who is *deaf or hard of hearing* to match statute. (See page 5.)

#### EHBAA(LOCAL)

#### SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

This policy requiring the district to ensure that a student who is transitioning from early childhood intervention (ECI) has an individualized education program (IEP) developed and implemented by the child's third birthday is recommended to meet TEA policy requirements for the ongoing TEA special education [cyclical monitoring reviews](#).

**Please note:** This policy will need to be adopted by the board and linked to the [Legal Framework](#) by the August 31, 2022, deadline. See TEA's FAQ on [Special Education Operating Procedures](#).

#### EHBAB(LEGAL)

#### SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

Amended Administrative Code rules revise the list of individuals who must be included in ARD committee meetings for students with deaf-blindness and revise terminology addressing students who are deaf or hard of hearing. Participating special education teachers or providers must be appropriately certified or licensed as required by federal law. The rules also address, as reflected on page 5, IEP implementation for students who enroll in a new district during the summer.

A new Administrative Code rule prohibits consideration of eligibility for supplemental special education services when developing or revising a student's IEP, determining the appropriate educational setting, or in the provision of a free appropriate public education. (See page 8.)

#### EHBAC(LEGAL)

#### SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

We have removed a repealed Administrative Code provision on out-of-state placement.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### EHBB(LOCAL)

#### SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

HB 1525 (Regular Session) removed the statutory requirement for a district to annually certify to the commissioner of education that the district's gifted and talented program is consistent with the Texas State Plan for the Education of Gifted/Talented Students. We recommend deletion of the corresponding local policy provision.

#### EHBC(LEGAL)

#### SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Reporting provisions on expenditure of the state compensatory education allotment have been added from the Administrative Code.

#### EHDE(LEGAL)

#### ALTERNATIVE METHODS FOR EARNING CREDIT: DISTANCE LEARNING

A new provision from SB 15 (Second Called Session) explains how off-campus electronic courses or programs are counted for purposes of average daily attendance. (See page 12.)

#### EHDF(LEGAL)

#### ALTERNATIVE METHODS FOR EARNING CREDIT: LOCAL REMOTE LEARNING PROGRAM

Provisions on local remote learning programs from SB 15 (Second Called Session) are reflected in this new legally referenced policy. All provisions in the bill expire on September 1, 2023.

#### EIF(LEGAL)

#### ACADEMIC ACHIEVEMENT: GRADUATION

Revised Administrative Code rules provide additional detail on the requirement for a student to complete a financial aid application to meet graduation requirements. The rules, beginning on page 3 of this policy, require the board to adopt the TEA-provided form a student may submit to opt out of the financial aid application requirement and require adoption of a board policy to address the methods by which a student can confirm submission of a financial aid application. See EIF(LOCAL), below.

#### EIF(LOCAL)

#### ACADEMIC ACHIEVEMENT: GRADUATION

Revised Administrative Code rules require a board policy to address the methods by which a student can confirm completion and submission of a financial aid application to meet graduation requirements. The recommended text aligns with TEA guidance and addresses methods for both the free application for federal financial aid (FAFSA) and the Texas application for state financial aid (TASFA). Please contact your policy consultant if you have questions or need additional edits to this policy.

Additional [TEA guidance](#) on this topic is available.

The [Regulations Resource Manual](#) includes sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### EKB(LEGAL)

#### TESTING PROGRAMS: STATE ASSESSMENT

HB 3261 (Regular Session) allows a district to administer a state assessment instrument on the first instructional day of the week upon authorization by the commissioner of education.

#### EMB(LEGAL)

#### MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES

SB 3 (Second Called Session) revised provisions on instructional requirements and prohibitions, including prohibited concepts and activities.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### **FEC(LEGAL)**

#### **ATTENDANCE: ATTENDANCE FOR CREDIT**

From SB 15 (Second Called Session) we have added a provision permitting a district to exempt students from the 90 percent attendance requirement for courses that are offered under a local remote learning program.

#### **FFBA(LOCAL)**

#### **CRISIS INTERVENTION: TRAUMA-INFORMED CARE**

SB 1267 (Regular Session) requires training in trauma-informed care to be provided in accordance with the board's professional development policy. Therefore, at Training, a reference has been added to the district's professional development plan. See DMA(LOCAL), above, for more information.

SB 1267 also repealed the requirement for a district to annually report to TEA the number of employees who participated in trauma-informed care training. We recommend deleting the local policy provision.

#### **FFG(LEGAL)**

#### **STUDENT WELFARE: CHILD ABUSE AND NEGLECT**

Revisions are to update citations and better reflect legal sources.

#### **FFH(LEGAL)**

#### **STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

From SB 9 (Second Called Session) we have added the following on page 2:

- New policy requirements on dating violence, including parental notification upon a report of dating violence [see FFH(LOCAL), below]; and
- A provision requiring districts to make available to students age-appropriate materials on the dangers of dating violence and resources for students seeking help.

Other revisions are to better reflect legal sources.

#### **FFH(LOCAL)**

#### **STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

To meet new board policy requirements from SB 9 (Second Called Session), we recommend text at Notice to Parents, which requires the district, upon receipt of a report of dating violence, to immediately notify the parent of the student identified as the alleged victim or perpetrator.

District policy must also include reporting procedures and guidelines for students who are victims of dating violence and include a clear statement that dating violence is not tolerated at school. No changes to your district's policy are recommended regarding these elements based on the district's existing policy provisions, which include reporting procedures and a statement of nondiscrimination that specifically prohibits dating violence.

Additional revisions are recommended to clarify the definition of prohibited conduct and the district's response to such conduct.

#### **FM(LEGAL)**

#### **STUDENT ACTIVITIES**

Provisions from HB 25 (Third Called Session) address transgender students in athletic activities sponsored or authorized by a district and prohibit a student from participating in an athletic competition that is designated for a biological sex that differs from the biological sex stated on the student's official birth certificate. (See page 8.)

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Midlothian ISD

#### **FNA(LEGAL)**

#### **STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION**

We have added the recent U.S. Supreme Court case on student speech, *Mahanoy Area School District v B.L.* The case holds that public schools may have a special interest in regulating some off-campus student speech where the district's interest is sufficient to overcome the student's interest in free expression, such as in situations of serious or severe bullying or harassment, threats, or breaches of school security devices.

#### **FOC(LEGAL)**

#### **STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING**

Revisions are to better reflect legal sources.

#### **FOCA(LEGAL)**

#### **PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS**

Amended Administrative Code rules resulted in revisions to shared services arrangements for DAEP services and to provisions regarding transitions for students in DAEP.

#### **FOF(LEGAL)**

#### **STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES**

From HB 785 (Regular Session) we have added a provision requiring the commissioner of education to adopt rules regarding the use of restraint and time-out with a student who is receiving special education services. (See page 8.)

#### **GKA(LEGAL)**

#### **COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES**

An existing statutory provision has been added to clarify the effect of failing to post signs at each entrance to the premises or other property indicating that firearms and other weapons are prohibited. (See page 8.)

#### **GKD(LEGAL)**

#### **COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES**

We have added existing statutory provisions regarding the use of district facilities by places of worship.

#### **GKG(LEGAL)**

#### **COMMUNITY RELATIONS: SCHOOL VOLUNTEER PROGRAM**

We have updated for clarification the provisions on obtaining criminal history record information.

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**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)*

	<p>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. <i>19 TAC 61.1022(c)</i></p>
Publication	<p>The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. <i>19 TAC 61.1022(d)</i></p> <p>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. <i>Education Code 39.306(c); 19 TAC 61.1022(f)</i></p>
Report Uses	<p>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. <i>Education Code 39.307</i></p>
<b>Campus Performance Report</b>	<p>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.</p>
Distribution	<p>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.</p> <p>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.</p> <p>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.</p> <p><i>Education Code 39.305; 19 TAC 61.1021</i></p>



**Website Notices**

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

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

*Education Code 39.362*

**Student Performance Report**

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

**Notice to Parents**

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

**Notice to Teachers and Students**

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

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

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

*Education Code 39.304*

**Quality of Learning  
Indicators**

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

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent school year on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;
11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

*Education Code 39.301(a)–(c)*

Remote Instruction In addition to the indicators described above, the indicators for reporting purposes must include, for each district and campus, the performance of students who spend at least half of the students' instructional time:

1. In virtual courses offered under a local remote learning program under Education Code 29.9091 [see EHDF]; or
2. Receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Education Code 29.9091, and including students receiving remote instruction who are:
  - a. Medically fragile;
  - b. Placed in a virtual setting by an admission, review, and dismissal (ARD) committee; or
  - c. Receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

*Education Code 39.301(c-1)*

**Results Driven  
Accountability (RDA)**

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

**Federal Report Card**

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

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a

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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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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

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**Membership**

The board consists of the number of members that the district had on September 1, 1995. *Education Code 11.051(b)*

Increase in  
Membership

A board that has three or five members may by resolution increase the membership to seven. A board that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Education Code 11.052. [See Single-Member Districts, below.]

A resolution increasing the number of trustees takes effect with the second regular election of trustees that occurs after the adoption of the resolution. The resolution must provide for a transition in the number of trustees so that when the transition is complete, trustees are elected as provided by Education Code 11.059 (terms).

*Education Code 11.051(c)*

**Terms**

A trustee of a district serves a term of three or four years.

Elections for trustees with three-year terms shall be held annually. The terms of one-third of the trustees, or as near to one-third as possible, expire each year.

Elections for trustees with four-year terms shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.

Board policy must state the schedule on which specific terms expire.

*Education Code 11.059*

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**Note:** For website posting requirements regarding trustee information, see CQA.

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**Uniform Election  
Dates**

Each general or special election of board members shall be on one of the following dates:

1. The first Saturday in May.

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2. The first Tuesday after the first Monday in November.

*Election Code 41.001(a)*

**Joint Elections**

Required

A district trustee election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the district;
2. The general election for state and county officers, which is held on the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002;
3. The election for the members of the governing body of a hospital district, if the school district:
  - a. Is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and
  - b. Held its election for board members jointly with the election for the members of the governing body of the hospital district before May 2007; or
4. The election for the members of the governing board of a public junior college district in which the school district is wholly or partly located.

Elections held on the same date as provided above shall be held as a joint election under Election Code Chapter 271, and the voters shall be served by common polling places consistent with Election Code 271.003(b).

*Education Code 11.0581(a)–(c)*

A board may enter into an agreement with another political subdivision holding an election on the same day in all or part of the same county to hold the elections jointly. The terms of a joint election agreement must be stated in an order, resolution, or other official action adopted by the board. *Election Code 271.002*

**Methods of  
Election—Options**

At Large

In a district in which the positions of trustees are not designated by number or in which the trustees are not elected from single-member trustee districts, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring. *Education Code 11.057(b)*

Position or Place

The positions on the board shall be designated by number in any district in which the board by resolution orders that all candidates for trustee be voted on and elected separately for positions on the board and that all candidates be designated on the official ballot

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according to the number of the positions for which they seek election.

Not later than the 60th day before the date of an election, the board must make the resolution and number the positions on the board in the order in which the terms of office expire. Once a board has ordered the election of trustees by numbered positions, neither the board nor their successors may rescind the action.

*Education Code 11.058(c)–(f)*

Single-Member  
Districts

*On Board's  
Motion*

Except as provided below, the board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 70 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

If a majority of the area of a district is located in a county with a population of less than 10,000, a board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 50 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

Before adopting an order, a board must:

1. Hold a public hearing at which registered voters of a district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and
2. Publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

An order adopted by the board must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member districts authorized by the order.

*Education Code 11.052(a)–(d)*

*By Voter Petition*

If at least 15 percent or 15,000 of the registered voters of the district, whichever is less, sign and present to the board a petition requesting submission to the voters of the proposition that trustees be elected in a specific manner, which must be generally described on the petition and which must be a manner of election the board could have ordered on its own motion, the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the



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petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees shall be elected in the manner prescribed by the approved proposition. *Education Code 11.052(e)*

*Board Member  
Districts*

If single-member districts are adopted or approved by either method described above, the board shall divide the district into the appropriate number of trustee districts, based on the number of members that are to be elected from single-member districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district shall not cross a county election precinct boundary except at a point at which the district boundary crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts. *Education Code 11.052(f)*

*Residency for  
First Election*

Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of members must be a resident of the district the trustee represents not later than the 90th day after the date election returns are canvassed, or the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. A trustee vacates the office if the trustee fails to move into the district the trustee represents within the time provided. [For more information on residency, see BBA and BBC.] *Education Code 11.052(g)*

*Number and  
Term*

At the first election at which some or all of the trustees are elected from single-member trustee districts and after each redistricting, all positions on a board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Education Code 11.059 (terms). *Education Code 11.052(h)*

*Redistricting*

Not later than the 90th day before the date of the first regular board election at which trustees may officially recognize and act on the last preceding federal census, a board shall redivide a district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of a district shall be in the manner provided above at Board Member Districts. *Education Code 11.052(i)*

*Phase-in Option*

The board of a district that adopts a redistricting plan may provide for the trustees in office when the plan is adopted or the district is

redistricted to serve for the remainder of their terms in accordance with this provision. The trustee district and any at-large positions provided by the district's plan shall be filled as the staggered terms of trustees then in office expire. Not later than the 90th day before the date of the first election from trustee districts and after each re-districting, a board shall determine the order in which the positions will be filled. *Education Code 11.053*

**Boundary Change  
Notice**

A district that changes its boundaries or the boundaries of districts used to elect members to the board shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

*Election Code 42.0615*

**Methods of Voting—  
Options**

Plurality

Except as otherwise provided at Majority, below, to be elected to a public office, a candidate elected at large, at large by position, or by single-member districts must receive more votes than any other candidate for the office. *Education Code 11.057(a), (b); Election Code 2.001*

Cumulative

The board of a district that elects its trustees at large or at large by position may order that elections for trustees be held using the cumulative voting procedure.

If a board adopts an order requiring the use of cumulative voting, only the board member positions that were scheduled to be filled at the election are filled through the use of cumulative voting.

At an election at which more than one board member position is to be filled, all of the positions that are to be filled at the election shall be voted on as one race by all the voters of a district. Each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election.

A voter may cast one or more of the specified number of votes for any one or more candidates in any combination. Only whole votes may be cast and counted. If a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election. If a voter casts fewer votes than entitled, all of the voter's votes are counted in that election.

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The candidates who are elected are those, in the number to be elected, receiving the highest number of votes.

A district that adopts an order requiring the use of cumulative voting may not elect its members by position as provided by Education Code 11.058.

*Education Code 11.054*

Majority

The board of a district in which the positions of trustees are designated by number or in which the trustees are elected from single-member districts may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position or in a trustee district, as applicable, to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

*Education Code 11.057(c)*

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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

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**Notice of Polling Place**

Any written notice of a polling place location must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place. *Election Code 1.021*

**Election Order**

The board shall order an election. An election to be held on a uniform election date shall be ordered not later than the 78th day before election day. *Election Code 3.004, .005*

Each election order must state:

1. The date of the election;
2. The offices or measures to be voted on;
3. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
4. The location of the main early voting polling place;
5. The dates and hours for early voting; and
6. The dates and hours of any Saturday and Sunday early voting.

*Election Code 3.006, 83.010, 85.004, .007*

A board shall preserve the election order for the period for preserving the precinct election records. The date and nature of each election shall be entered in the official records of the board. For an election on a measure, the entry must include a description of the measure. *Election Code 3.008*

Failure to Order an Election

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

**Election Notice**

Contents

Notice of the election must state:

1. The nature and date of the election;
2. The location of each polling place;

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3. The hours the polls will be open;
4. The internet website of the authority conducting the election;
5. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
6. The location of the main early voting polling place; and
7. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting.

*Election Code 4.004(a), 83.010, 85.004, .007*

Notice of Special  
Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

Publication

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within the district's boundaries or in a newspaper of general circulation in the district if none is published within the district's boundaries. The board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .005(a)*

Posting

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of election provided to the county [see Notice to County Clerk and Voter Registrar, below], which must include the location of each polling place, on the county's internet website, if the county maintains a website. A district may post a copy of the notice on the bulletin board used for posting notices of the meetings of the board. If a county does not maintain a website, the district shall post a copy of the notice of the election on the bulletin board used for posting notice of meetings of the board. The notice must remain posted continuously through election day. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

A district that maintains a website must post the notice described above on the internet website of the district. *Election Code 85.007(d)*

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**Note:** For additional website posting requirements regarding the date and location of the next election, see CQA.

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Notice to County  
Clerk and Voter  
Registrar

The board shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day. The county clerk shall post notice of the election, including the location of each polling place, on the county's internet website, if the county maintains a website, as provided by Election Code 4.003(b). *Election Code 4.008(a)* [See Posting, above]

Notice to Election  
Judge

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the board shall deliver to the presiding judge of each election precinct in which the election is to be held in the district a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

*Election Code 4.007*

Failure to Give  
Notice of Election

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

**Internet Posting**

Not later than the 21st day before election day, a district that holds an election and maintains an internet website shall post on the public internet website for the district:

1. The date of the next election;
2. The location of each polling place;
3. Each candidate for an elected office on the ballot; and
4. Each measure on the ballot.

*Election Code 4.009(b)*

**Filing Information**

Notice to  
Candidates

A district shall post notice of the dates of the filing period in a public place in a building in which the district has an office not later than the 30th day before the first day on which a candidate may file an application for a place on the ballot. A district shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004, below.  
*Election Code 141.040*

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**Note:** For additional website posting requirements regarding the requirements and deadline for filing for candidacy of board member, see CQA.

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Application

To be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through email transmission of the completed application in a scanned format to the email address designated by the filing authority in the notice required under Election Code 141.040, above.  
*Election Code 143.004*

A candidate application for a place on the ballot must:

1. Be in writing;
2. Be signed and sworn to before a person authorized to administer an oath in this state by the candidate and indicate the date that the candidate swears to the application;
3. Be timely filed with the appropriate authority; and
4. Include all statutorily required information.

*Election Code 141.031, .039*

Deadline

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of the 78th day before the date of the election for an election to be held on a uniform election date.

*Education Code 11.055(a); Election Code 144.005(a), (d)*

*Death of  
Candidate*

If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name under item 1, the filing deadline for an application for a place on the ballot for

the office sought by the candidate is extended until the fifth day after the filing deadline.

*Election Code 145.098(b)*

Write-in Candidate A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for an election to be held on a uniform election date. *Education Code 11.056(b); Election Code 146.054*

Special Election An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or
2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

*Exception* For a special election to be held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the day of the filing deadline is 6:00 p.m. of the 75th day before election day.

*Write-in Candidate* A declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

*Election Code 201.054*

**Delivery or  
Submission of  
Documents**

When the Election Code provides for the delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under that code, a delivery, submission, or filing with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the district's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

*Election Code 1.007*



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**Election of  
Unopposed  
Candidate**

Certification of  
Unopposed Status

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted. The certification shall be delivered to the board as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092 if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots have not been prepared; and
3. The other conditions for certification are met.

A certification under these circumstances shall be delivered to the board as soon as possible.

*Election Code 2.052*

*Special Election*

For purposes of these provisions, a special election of a district is considered to be a separate election with a separate ballot from a general election for board members or another special election of the district held at the same time. *Election Code 2.051(a)*

*Single-Member  
Districts*

In the case of an election in which any members of the board are elected from single-member districts, these provisions apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that single-member district is unopposed and no opposed at-large race is to appear on the ballot. These provisions apply to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. *Election Code 2.051(b)*

Action on  
Certification

On receipt of the certification, the board by order or ordinance shall declare each unopposed candidate elected to office. If a declaration is made, the election is not held.

If no election is to be held on election day by the district, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected shall include the offices and names of the candidates declared elected listed separately after the measures or contested races in the separate election under the heading

“Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

*Election Code 2.053*

[See BBBB regarding issuance of a certificate of election to an unopposed candidate declared elected and qualification for office.]

**Ballot**

The ballot shall be prepared in accordance with Election Code Chapter 52.

Drawing

The district shall conduct a drawing to determine the order of the candidates' names in an election at which the names of more than one candidate for the same office are to appear on the ballot. The district shall post in the district's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing. The district shall provide notice of the date, hour, and place of the drawing to each candidate by:

1. Written notice:
  - a. Mailed to the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or
  - b. Provided at the time the candidate files an application with the district;
2. Telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or
3. Email, if an email address is provided on the candidate's application for a place on the ballot.

Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing.

*Election Code 52.093–.094* [See BBBB regarding ballot order in a runoff election or election to resolve a tie.]

Ballots for an election by position must clearly show the position for which each person is a candidate. A board shall arrange by lot the names of the candidates for each position. *Education Code 11.058(g)*

**Election Services  
Contract**

The county election officer, as defined by Election Code 31.091(1), may contract with the board of a district situated wholly or partly in the county served by the officer to perform election services, as

provided by Election Code Chapter 31, Subchapter D, in any one or more elections ordered by the board.

If requested to do so by a district, the county elections administrator, as defined under Election Code Chapter 31, Subchapter B, shall enter into a contract to furnish the election services requested in accordance with a cost schedule agreed on by the contracting parties. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the first Saturday in May in an even-numbered year.

*Election Code 31.092, .093, 41.001(d)*

**Election Judges and Clerks**

By written order, a board shall appoint a presiding election judge and an alternate presiding judge for each election precinct in which an election is held. A board shall prescribe the maximum number of clerks that each presiding judge may appoint for each election. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code 32.001(a), .008, .033*

**Polling Places**

A board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034, Ch. 85 (early voting by personal appearance)*

In an election held on the November uniform election date, a district shall use the regular county election precincts. The district shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), .0621, 43.004(b)*

**Electioneering**

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting period, as applicable, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

**Definitions**

"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

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“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” means the period prescribed by Election Code 85.001.

*Election Code 61.003, 85.036*

**Early Voting**

In each election, early voting shall be conducted by personal appearance at an early voting polling place and by mail, in accordance with Election Code Title 7, Chapters 81–114. *Election Code 81.001*

November Early  
Voting Polling  
Places

In an election on the November uniform election date in which the district is not holding a joint election with a county and has not executed a contract with a county elections officer under which the district and the county share early voting polling places, the district:

1. Shall designate as an early voting polling place for the election an eligible county polling place located in the district; and
2. May not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the district is designated as an early voting polling place by the district.

“Eligible county polling place” means an early voting polling place established by a county.

*Election Code 85.010(a), (a-1), (b)*

Temporary Branch  
Days and Hours

*County with  
100,000 or More*

Election Code 85.064 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, that section applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

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The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

*Election Code 85.064*

*County with Less  
than 100,000*

Election Code 85.065 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

*Election Code 85.065*

Records

*Branch Daily  
Register*

The early voting clerk shall provide, in a downloadable database format, a current copy of the register for posting on the internet website of the district, if the district maintains a website, each day early voting is conducted. At a minimum, the voter registration number for each voter listed in the register must be posted. *Election Code 85.072*

*Early Voting  
Rosters*

The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent. Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided below not later than 11 a.m. on the day after the date the information is entered on the roster. Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided below not later than 11 a.m. on the day

following the day the early voting clerk receives any ballot voted by mail.

The information must be made available:

1. For an election in which the county clerk is the early voting clerk:
  - a. On the publicly accessible internet website of the county; or
  - b. If the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or
2. For an election not described by item 1:
  - a. On the publicly accessible internet website of the district; or
  - b. If the district does not maintain a website, on the bulletin board used for posting notice of board meetings.

*Election Code 87.121(a), (g)–(i)*

**Conducting  
Elections**

Elections shall be conducted in accordance with Election Code Title 6, Chapters 61–68.

**Bilingual Materials**

Spanish

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

*Election Code 272.002*

Other Languages

If the director of the census determines that a district must provide election materials in a language other than English or Spanish, the district shall provide election materials in that language in the same manner in which the district would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011; 52 U.S.C. 10503*

**Voting Systems**

A voting system shall be adopted and utilized in accordance with Election Code Title 8.

Accessible Voting  
Stations

Except as provided below, each polling place must provide at least one voting station that complies with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 52 U.S.C. Section

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21081(a)(3) [formerly 42 U.S.C. Section 15481(a)(3)] and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot.  
*Election Code 61.012*

*Electronic Voting  
System  
Exceptions*

For an election other than an election of a district that is held jointly with another election in which a federal office appears on the ballot, a district is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the district is located in a county that meets certain population and other requirements set forth in Election Code 61.013(a). A district that intends to use this provision to provide fewer voting stations that meet the requirements for accessibility than required must provide notice under Election Code 61.013(d). *Election Code 61.013*

BOARD MEMBERS  
AUTHORITY

BBE  
(LEGAL)

**Access to  
Information**

Unless authorized by the board, a member of the board may not, individually, act on behalf of the board. *Education Code 11.051(a-1)* [See BE regarding action by a majority of the board]

When acting in the member's official capacity, a board member has an inherent right of access to information, documents, and records maintained by the district.

"Official capacity" means all duties of office and includes administrative decisions or actions.

The district shall provide the information, documents, and records to the board member without requiring the board member to submit a public information request under Government Code Chapter 552 (Public Information Act) and without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting.

A district shall provide a board member with information, documents, and records requested not later than the 20th business day after the date the district receives the request. The district may take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The district shall inform the board member of the reason for the delay and the date by which the information will be provided.

If a district does not provide requested information to a board member in the time required, the member may bring suit against the district for appropriate injunctive relief. A member who prevails in a suit is entitled to recover court costs and reasonable attorney's fees. The district shall pay the costs and fees from the budget of the superintendent's office.

**Confidential  
Information**

The district may withhold or redact information, a document, or a record requested by a board member to the extent that the item is excepted from disclosure or is confidential under the Public Information Act or other law [see GBA].

A board member shall maintain the confidentiality of information, documents, and records received from the district as required by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and any other applicable privacy laws. [See FL]

**Report of Requests**

A district shall post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member under Education Code 11.1512(c) if the requests are for 200 or more pages of material in a 90-day period.



A district shall report annually to the Texas Education Agency not later than September 1 of each year:

1. The number of requests submitted by a board member under Education Code 11.1512(c) during the preceding school year; and
2. The total cost to the district for that school year of responding to the requests.

*Education Code 11.1512(c)–(f)*

Access to Student  
Records

Personally identifiable information in education records may be released, without the written consent of the student's parents, only to a school official who has a legitimate educational interest in the education records. 34 C.F.R. 99.31 [See FL]

Offenses Regarding  
Records and  
Information

A person commits an offense if the person:

1. Willfully destroys, mutilates, removes without permission as provided by Government Code Chapter 552 (Public Information Act), or alters public information; or
2. Distributes information considered confidential under the terms of Government Code Chapter 552.

*Gov't Code 552.351, .352*

[For information regarding the offenses of destruction or alienation of record and tampering with governmental record, see CPC(LEGAL). For information regarding misuse of official information, see BBFB(LEGAL).]

**Visits to District  
Facility**

A district shall create a policy on visits to a district campus or facility by a member of the board. *Education Code 11.1512(g)*

**Protections for  
Legislative Activity**

A local officer, including a school board member, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the board member's practice of or employment in a licensed or regulated profession or

occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

*Gov't Code 572.059*

**Board Member  
Immunities**

The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

State Law  
Immunities

A board member is not personally liable for any act that is incident to or within the scope of the duties of the board member's position and that involves the exercise of judgment or discretion. *Education Code 22.0511(a)*

Federal Law  
Immunities

Except as provided in 20 U.S.C. Section 7946(b), no board member shall be liable for harm caused by an act or omission of the board member on behalf of a district if the conditions of the Paul D. Coverdell Teacher Protection Act of 2001 are met. *20 U.S.C. 7943, 7946(a)* [See also DGC]



BOARD MEMBERS  
COMPENSATION AND EXPENSES

BBG  
(LEGAL)

Board members serve without compensation. *Education Code 11.061(d)*

**Members' Expenses**

Local funds and state funds not designated for a specific purpose may be used for purposes necessary in the conduct of the public schools determined by the board. Reimbursement of travel expenses for school board members is not illegal if the reimbursement is determined to be necessary in the conduct of the school and to serve a proper public purpose. *Education Code 45.105(c); Atty. Gen. Op. H-133 (1973)*

**Nonmembers' Expenses**

A board may not pay the travel expenses of spouses and other persons who have no responsibilities or duties to perform for the board when they accompany board members to board-related activities. *Atty. Gen. Op. MW-93 (1979)*

**Travel Services**

An officer or employee of a district who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f); 34 TAC 20.406(b)(2)(F)*

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**Note:** For guidance regarding board member expense reimbursement and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.7.4.7 Employee or Board Member Travel and Business Expenses.

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**Note:** For employee and student use of district technology resources, see CQ.

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**Public Information  
on Private Device**

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under Government Code 552.004(a).

*Gov't Code 552.004(b)* [See GB]

**Online Message  
Board**

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of Government Code Chapter 551 (Open Meetings Act) if:

1. The communication is in writing;
2. The writing is posted to an online message board or similar internet application that is viewable and searchable by the public; and
3. The communication is displayed in real time and displayed on the online message board or similar internet application for no less than 30 days after the communication is first posted.

A board may have no more than one online message board or similar internet application to be used for the purposes described above. The online message board or similar internet application must be owned or controlled by the board, prominently displayed on the district's primary internet web page, and no more than one click away from the district's primary internet web page.

The online message board or similar internet application may only be used by members of the board or district staff members who have received specific authorization from a member of the board. In the event that a staff member posts a communication to the online message board or similar internet application, the name and title of the staff member must be posted along with the communication.

If a board removes from the online message board or similar internet application a communication that has been posted for at least 30 days, the board shall maintain the posting for a period of six

years. This communication is public information and must be disclosed in accordance with Government Code Chapter 552 (Public Information Act).

The board may not vote or take any action that is required to be taken at a meeting under the Open Meetings Act by posting a communication to the online message board or similar internet application. In no event shall a communication or posting to the online message board or similar internet application be construed to be an action of the board.

*Gov't Code 551.006*

OFFICERS AND OFFICIALS  
DUTIES AND REQUIREMENTS OF BOARD OFFICERS

BDAA  
(LEGAL)

**Selection of Officers** At the first meeting after each election and qualification of trustees, the members shall organize by selecting:

1. A president, who must be a member of the board.
2. A secretary, who may or may not be a member of the board.
3. Other officers and committees the board considers necessary.

*Education Code 11.061(c)*

**Reorganization** In addition to the required post-election organization, a board may also organize at other times. *Atty. Gen. Op. MW-531 (1982)*

**Duties/Powers of Board President** The duties and powers of the president of a board include, but are not limited to, the following:

1. Call a meeting of the board for the purpose of adopting a budget and provide for the publication of notice of the budget and proposed tax rate meeting under Education Code 44.004. [See CE and CCG]
2. Submit the annual financial statement to a newspaper for publication under Local Government Code 140.006. [See CFA]
3. Execute a mineral deed or lease under Education Code 11.153. [See CDB]
4. Execute the deed for the sale of property, other than minerals, held in trust for public school purposes under Education Code 11.154(b). [See CDB]





BOARD INTERNAL ORGANIZATION  
INTERNAL COMMITTEES

BDB  
(LEGAL)

Government Code Chapter 551 (Open Meetings Act) applies to board committee meetings if:

1. At least a quorum of the board is on the committee;
2. A quorum of the board is present at the committee meeting, even though less than a quorum is actually on the committee; or
3. Less than a quorum of the board is on the committee, but the committee is authorized to make final decisions or control or supervise public business.

A committee that includes less than a quorum of board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business.

*Atty. Gen. Op. Nos. GA-0957 (2012), JC-0060 (1999), JH-0994 (1977); Willmann v. City of San Antonio, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) [See BE]*



BOARD MEETINGS

BE  
(LEGAL)

**Majority Vote**

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

**No Secret Ballot**

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

**Definitions**

**Deliberation**

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

**Meeting**

“Meeting” means:

1. A deliberation between a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action; or
2. Except as otherwise provided below, a gathering:
  - a. That is conducted by the board or for which the board is responsible;
  - b. At which a quorum of members of the board is present;
  - c. That has been called by the board; and
  - d. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the district, about the public business or public policy over which the board has supervision or control.

*Gov’t Code 551.001(4)*

**Exceptions to Meeting**

Social Function,  
Convention, or  
Candidate Event

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

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(LEGAL)

Legislative Committee or Agency Meeting	The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. <i>Gov't Code 551.0035(b)</i>
Online Message Board	For information on communications posted to an online message board, see BBI.
Quorum	"Quorum" means a majority of the number of members fixed by statute. <i>Gov't Code 551.001(6); 311.013(b)</i>
<i>Disaster Exception</i>	<p>Notwithstanding any other law, a quorum is not required for the board to act if:</p> <ol style="list-style-type: none"><li>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</li><li>2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.</li></ol> <p><i>Gov't Code 418.1102</i></p>
Recording	"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. <i>Gov't Code 551.001(7)</i>
Videoconference Call	"Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet. <i>Gov't Code 551.001(8)</i>
<b>Prohibited Series of Communications</b>	<p>A board member commits an offense if the member:</p> <ol style="list-style-type: none"><li>1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by Government Code Chapter 551 and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and</li><li>2. Knew at the time the member engaged in the communication that the series of communications:<ol style="list-style-type: none"><li>a. Involved or would involve a quorum; and</li></ol></li></ol>

BOARD MEETINGS

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(LEGAL)

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

*Gov't Code 551.143*

**Superintendent  
Participation**

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

**Access to Board  
Meetings**

Open to Public

Every regular, special, or called meeting of a board shall be open to the public, except as provided by Government Code Chapter 551. *Gov't Code 551.002* [See BEC for exceptions for closed meetings.]

Parental Access

A parent is entitled to complete access to any meeting of the board, other than a closed meeting held in compliance with Government Code Chapter 551, Subchapters D and E. *Education Code 26.007(a)*

Exclusion of  
Witnesses

A board that is investigating a matter may exclude a witness from a hearing during the examination of another witness in the investigation. *Gov't Code 551.084*

**Location**

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

1. As required by law; or
2. To hold a joint meeting with another district or with another governmental entity, as defined by Government Code 2051.041, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

*Education Code 26.007(b)*

**Required Meeting  
Records**

Minutes or  
Recording

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes must state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

Board Member  
Attendance

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

Availability

The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

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

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**Notice Required**

A board shall give written notice of the date, hour, place, and subject of each meeting held by the board. *Gov't Code 551.041*

Continued Meeting

Government Code 551.041, above, does not require a board that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

**Inquiry During Meeting**

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

**Time and Accessibility of Notice**

The notice of a meeting of a board must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided at Emergency Meeting or Emergency Addition to Agenda, below. A district shall post notice of each meeting on a bulletin board at a place convenient to the public in the central administrative office of the district. *Gov't Code 551.043(a), .051*

If a district is required to post notice of a meeting on the internet:

1. The district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period;
2. The district must still comply with any duty imposed by Government Code Chapter 551 to physically post the notice at a particular location; and
3. If the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the notice physically posted must be readily accessible to the general public during normal business hours.

*Gov't Code 551.043(b)*

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Internet Posting—  
Notice

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

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

The validity of a posted notice of a meeting or an agenda by a board subject to these provisions that made a good-faith attempt to comply with these requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

*Gov't Code 551.056*

[See CQA for other website posting requirements.]

**Specificity of  
Agenda/Notice**

Agendas for all meetings must be sufficiently specific to inform the public of the subjects to be discussed at the meeting, setting out any special matters to be considered or any matter in which the public has a particular interest. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); *Atty. Gen. Op. JH-1045 (1977)*

**Emergency Meeting  
or Emergency  
Addition to Agenda**

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with Government Code Chapter 551, Subchapter C, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

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

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

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



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(LEGAL)

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

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

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

*Gov't Code 551.045*

**Catastrophe**

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

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

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or

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4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

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

**Special Notice to  
News Media**

A district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail.

*Gov't Code 551.052*

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

**Meeting by  
Telephone  
Conference Call**

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

**Technical  
Requirements and  
Recording**

Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded. The recording shall be made available to the public.

The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

**Notice of Location**

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

*Gov't Code 551.125*

**Meeting by  
Videoconference  
Call**

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the

BOARD MEETINGS

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(LEGAL)

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 videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.127(a-1)–(a-3)*

Quorum in One  
Location

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

*Multiple Counties*

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

Additional Notice  
Requirements

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

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

*Gov't Code 551.127(b)–(e)*

Quality of Audio and  
Video Signals

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

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

BOARD MEETINGS

BE  
(LEGAL)

the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

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

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

Recording

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

Remote  
Participation by the  
Public

Without regard to whether a member of the board is participating in a meeting from a remote location by videoconference call, a board may allow a member of the public to testify at a meeting from a remote location by videoconference call.

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

**Internet Broadcast**

Except as provided by Government Code 551.128(b-1), below, and subject to the requirements at Video and Audio Recording of Meeting, below, a board may broadcast an open meeting over the internet.

Except as provided by Government Code 551.128(b-2) [see Existing Website, below], a board that broadcasts a meeting over the internet shall establish an internet site and provide access to the broadcast from that site. The board shall provide on the internet site the same notice of the meeting that the board is required to post under Government Code Chapter 551, Subchapter C. The notice on the internet must be posted within the time required for posting notice under Subchapter C.

*Gov't Code 551.128(b), (c)*

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**Note:** The provisions at Video and Audio Recording of Meeting apply to a board for a district that has a student enrollment of 10,000 or more.

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BOARD MEETINGS

BE  
(LEGAL)

**Video and Audio  
Recording of  
Meeting**

*Required Recording*

A board shall:

1. Make a video and audio recording of reasonable quality of each:
  - a. Regularly scheduled open meeting that is not a work session or a special called meeting; and
  - b. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony [see BED for requirements regarding public testimony]; and
2. Make available an archived copy of the video and audio recording of each meeting described in item 1.

*Internet Posting—  
Recordings*

A board shall:

1. Make the archived recording of each meeting to which these provisions apply available on the internet not later than seven days after the date the recording was made; and
2. Maintain the archived recording on the internet for not less than two years after the date the recording was first made available.

*Existing Website*

A board may make available the required archived recording on an existing internet site, including a publicly accessible video-sharing or social networking site. The board is not required to establish a separate internet site and provide access to archived recordings of meetings from that site.

*District Website*

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

*Exemption*

A board is exempt from the internet posting requirements if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, a board must make all reasonable efforts to make the required recording available in a timely manner.

*Television  
Broadcast*

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

*Gov't Code 551.128(b-1)–(b-6)*

BOARD MEETINGS

BE  
(LEGAL)

**Recording by  
Attendee**

A person in attendance may record all or any part of an open meeting of a board by means of a recorder, video camera, or other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules relating to the location of recording equipment and the manner in which the recording is conducted. A rule adopted under this provision may not prevent or unreasonably impair a person from exercising a right granted under this provision. *Gov't Code 551.023*

**Attorney  
Consultation**

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

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

These provisions do not authorize the members of a board to conduct a meeting of the board by telephone conference call, video conference call, or communications over the internet; or create an exception to the application of Government Code Chapter 551, Subchapter F (meetings using telephone, videoconference, or internet).

Exception

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

*Gov't Code 551.129*

**Persons with  
Hearing Impairments**

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

"Deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding, or communication with others.

*Gov't Code 558.001, .003*



PLANNING AND DECISION-MAKING PROCESS

BQ  
(LEGAL)

**Planning and  
Decision-Making  
Process**

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

*Education Code 11.251(g)*

**Evaluation**

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

**Administrative  
Procedure**

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

*Education Code 11.251(d)*

**Federal  
Requirements**

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*



PLANNING AND DECISION-MAKING PROCESS

BQ  
(LEGAL)

**Required Plans**

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

*Education Code 11.251(a)*

Shared Services  
Arrangement for  
DAEP Services

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

*19 TAC 103.1201(b) [See FOCA]*

District  
Improvement Plan

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a) [See AIA]*

*Availability to  
TEA*

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must make the plan available to TEA on request. *Education Code 11.252(b)*

PLANNING AND DECISION-MAKING PROCESS

BQ  
(LEGAL)

*Required  
Provisions*

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
3. Strategies for improvement of student performance that include:
  - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
  - b. Evidence-based practices that address the needs of students for special programs, including:
    - (1) Suicide prevention programs, in accordance with Education Code Chapter 38, Subchapter G, which include a parental or guardian notification procedure [see FFEB];
    - (2) Conflict resolution programs;
    - (3) Violence prevention programs; and
    - (4) Dyslexia treatment programs.
  - c. Dropout reduction.
  - d. Integration of technology in instructional and administrative programs.
  - e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.
  - f. Staff development for professional staff of a district.
  - g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

PLANNING AND DECISION-MAKING PROCESS

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- h. Accelerated education.
    - i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]
- 4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
  - a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.
  - b. The need for students to make informed curriculum choices to be prepared for success beyond high school.
  - c. Sources of information on higher education admissions and financial aid.
- 5. Resources needed to implement identified strategies.
- 6. Staff responsible for ensuring the accomplishment of each strategy.
- 7. Timelines for ongoing monitoring of the implementation of each improvement strategy.
- 8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.
- 9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]
- 10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

*Education Code 11.252(a)*

Law  
Enforcement  
Duties

The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. *Education Code 37.081(d)(1)* [See CKE]

Discipline  
Management

A district shall adopt and implement a discipline management program to be included in the district improvement plan. *Education Code 37.083(a)* [See FNC]

Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan. *Education Code 37.0831* [See FFH]

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Mental Health, Substance Abuse, and Suicide	The practices and procedures developed under Education Code 38.351(i) or (i-1) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. <i>Education Code 38.351(k)(2)</i> [See FFEB]
Campus-Level Plan	<p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. <i>Education Code 11.253(c)</i></p> <p>Each campus improvement plan must:</p> <ol style="list-style-type: none"><li>1. Assess the academic achievement for each student in the school using the achievement indicator system.</li><li>2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.</li><li>3. Identify how the campus goals will be met for each student.</li><li>4. Determine the resources needed to implement the plan.</li><li>5. Identify staff needed to implement the plan.</li><li>6. Set timelines for reaching the goals.</li><li>7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.</li><li>8. Include goals and methods for violence prevention and intervention on campus.</li><li>9. Provide for a program to encourage parental involvement at the campus.</li><li>10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:<ol style="list-style-type: none"><li>a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;</li></ol></li></ol>

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- b. Student academic performance data;
- c. Student attendance rates;
- d. The percentage of students who are educationally disadvantaged;
- e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
- f. Any other indicator recommended by the local school health advisory council.

*Education Code 11.253(d)*

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**Note:** For more information on property tax exemptions, see the Texas Comptroller's [Property Tax Exemptions](#)<sup>1</sup> website.

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**Exemptions**

Homestead

*Mandatory*

An adult is entitled to exemption from taxation by a district of \$25,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only \$5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

*Persons 65 or  
Older or Disabled*

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of \$10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

A district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

*Exception*

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

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



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<i>Continuation of Exemption during Construction</i>	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. <i>Tax Code 11.135(a), .26(n); 34 TAC 9.416</i>
<i>Surviving Spouse of First Responder</i>	The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. <i>Tax Code 11.134</i>
<b>Veteran Exemptions</b> <i>100 Percent Disabled</i>	A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. <i>Tax Code 11.131(b)</i>
<i>Partially Disabled with Donated Residence</i>	A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. <i>Tax Code 11.132(b)</i>
<i>Surviving Spouse of Veteran</i>	<p>The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if:</p> <ol style="list-style-type: none"><li>1. The surviving spouse has not remarried since the death of the disabled veteran; and</li></ol>

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

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2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

*Tax Code 11.131(c), .132(c)*

*Surviving Spouse  
of Individual  
Killed in Action*

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.133(b)*

*Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)*

*Disabled Veteran*

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). *Tax Code 11.22*

Exemption for  
Subsequent  
Residence

The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. *Tax Code 11.131(d), .132(d), .133(c), .134(d)*

Temporary  
Exemption for  
Property Damaged  
by Disaster

A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). *Tax Code 11.35(b)*

A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. *Tax Code 11.43(s)*

"Damage" means physical damage. *Tax Code 11.35(a)(1)*

Optional  
Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the

U.S. Department of Housing and Urban Development. *Tax Code 11.111*

2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*
3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*
4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit  
*Exemption*

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2). *Tax Code 11.253(b)*

[For information on the board's option in a district located in a disaster area to extend the date by which goods-in-transit must be transported, see Tax Code 11.253(l).]

*Option to Tax*

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

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(LEGAL)

transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

If a board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

*Tax Code 11.253(j)–(j-2)*

**Payment Options**

Discounts

*Option 1*

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

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

*Tax Code 31.05(b)*

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

*Option 2*

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

*Tax Code 31.05(c)*

*Both Options*

If a board adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the district are mailed after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

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EXEMPTIONS AND PAYMENTS

CCGA  
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<i>Rescission</i>	The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. <i>Tax Code 31.05(d)</i>
Split Payments	<p>The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.</p> <p>If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.</p> <p><i>Tax Code 31.03</i></p> <p>This payment option does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c)</i></p>
<i>In Certain Counties</i>	The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. <i>Tax Code 31.03(d)</i>
Installment Payments <i>Certain Homesteads</i>	An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. <i>Tax Code 31.031</i>
<i>Disaster or Emergency Area</i> Property Damaged—Automatic	<p>A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid in accordance with Tax Code 31.032.</p> <p>This provision applies to real and tangible personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.</p> <p><i>Tax Code 31.032</i></p>

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

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Property Not Damaged— Board Option	<p>The board may authorize a person to pay district taxes imposed on certain property that the person owns in installments. If the board adopts the installment-payment option under this provision, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person of district taxes imposed on property that the person owns in the same manner as those subsections apply to the payment of taxes imposed on property to which Tax Code 31.032 applies.</p> <p>This provision applies to real and tangible personal property described in Tax Code 31.033(b) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.</p> <p><i>Tax Code 31.033</i></p>
Definitions	<p>“Disaster” has the meaning assigned by Government Code 418.004.</p> <p>“Emergency” means a state of emergency proclaimed by the governor under Government Code 433.001.</p> <p><i>Tax Code 31.032(g), .033(a)</i></p>
Services in Lieu of Paying Taxes	<p>The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers’ compensation coverage, that the district provides to its employees. <i>Tax Code 31.035, .036, .037</i></p>
Persons 65 and Over	<p>Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual’s residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. <i>Tax Code 31.035(a), (g)</i></p>
Teaching Services	<p>An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:</p> <ol style="list-style-type: none"><li>1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or</li></ol>

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

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2. Obtains a school district teaching permit under Education Code 21.055.

*Tax Code 31.036(h), .037(i)*

By Individual Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead.

*Tax Code 31.036*

By Employee of Business Entity Subject to the requirements of Tax Code 31.037, a board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. *Tax Code 31.037*

**Delinquent Taxes**

Delinquency Date

Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. *Tax Code 31.02*

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**Note:** Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

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Delinquent Tax Collection

A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Additional Penalties

The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. *Tax Code 33.07, .08*

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<sup>1</sup> Texas Comptroller Property Tax Exemptions website:  
<https://comptroller.texas.gov/taxes/property-tax/exemptions/>

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

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**Note:** For legal requirements applicable to the disposition of real property acquired with federal funds, see CBB.

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**Sale or Exchange of  
Real Property**

The board may, by resolution, authorize the sale of any property, other than minerals, held in trust for public school purposes. The board president shall execute a deed to the purchaser reciting the board resolution authorizing the sale. A district may employ, retain, contract with, or compensate a licensed real estate broker or salesperson for assistance in the acquisition or sale of real property. *Education Code 11.154*

Publication of  
Notice and Bidding  
Requirements

Except for the types of land and interests described at Exceptions, below, before land owned by a district may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication. Local Government Code 272.001 does not require the board to accept any bid or offer or to complete a sale or exchange. *Local Gov't Code 272.001(a), (d)*

Open-Enrollment  
Charter School  
Offer

The board of a district that intends to sell, lease, or allow use for a purpose other than a district purpose of an unused or underused district facility must give each open-enrollment charter school located wholly or partly within the boundaries of the district the opportunity to make an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the board, before offering the facility for sale or lease or to any other specific entity. The board is not required to accept an offer made by an open-enrollment charter school. *Education Code 11.1542*

Exceptions  
*Generally*

The notice and bidding requirements set out above do not apply to the types of land and real property interests described below and owned by a district. The land and those interests described below may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple. The fair market value is determined by an appraisal obtained by the district that owns the land or interest. The appraisal price is conclusive of the fair market value of the land or interest. This applies to:



OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

1. Narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;
2. Streets or alleys, owned in fee or used by easement;
3. Land or a real property interest originally acquired for streets, rights-of-way, or easements that the district chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;
4. Land that the district wants to have developed by contract with an independent foundation;
5. A real property interest conveyed to a governmental entity that has the power of eminent domain; or
6. The land or interests described by items 1 and 2, above, may be sold to abutting property owners:
  - a. In the same subdivision if the land has been subdivided; or
  - b. In proportion to their abutting ownership, and the division between owners must be made in an equitable manner.

*Local Gov't Code 272.001(b)–(c)*

*Higher Education  
Institutions*

A district may donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education for less than its fair market value and without complying with the notice and bidding requirements in order to promote a public purpose related to higher education. The district shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. *Local Gov't Code 272.001(j)*

*Other Political  
Subdivisions*

A district may donate or sell for less than fair market value and without complying with the notice and bidding requirements a designated parcel of land or an interest in real property to another political subdivision if:

1. The land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling district;
2. The donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

3. The title and right to possession of the land or interest revert to the donating or selling district if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.

*Local Gov't Code 272.001(l)*

**Sale of Instructional Facility Financed with State Allotment**

If an instructional facility financed by bonds paid with state and local funds under Education Code Chapter 46, Subchapter A, is sold before the bonds are fully paid, a district shall send to the comptroller a percentage of the district's net proceeds as determined by Education Code 46.011(a). *Education Code 46.011* [See also CCA]

**Lease of Property to a Governmental Entity**

To promote a public purpose of the district, a district may:

1. Lease property owned by the district to another political subdivision or an agency of the state or federal government; or
2. Make an agreement to provide office space in property owned by the district to the other political subdivision or agency.

The district:

1. Shall determine the terms of the lease or agreement so as to promote and maintain the public purpose;
2. May provide for the lease of the property or provision of the office space at less than fair market value; and
3. Is not required to comply with any competitive purchasing procedure or any notice and publication requirement imposed by Local Government Code Chapter 272 or other law.

*Local Gov't Code 272.005*

**Sale or Lease of Minerals**

Minerals in land belonging to a district may be sold to any person. The sale must be authorized by a resolution adopted by majority vote of the board. *Education Code 11.153(a)–(b)*

After the board determines that it is advisable to lease land belonging to the district, it shall give notice of its intention to lease the land. The notice shall be published once a week for three consecutive weeks in a newspaper published in the county and with general circulation in the county, and shall:

1. Describe the land to be leased; and
2. Designate the time and place at which the board will receive and consider bids for the lease.

*Natural Resources Code 71.005*

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

After adoption of a resolution authorizing sale, the board president may execute an oil or gas lease or sell, exchange, and convey the minerals. The mineral deed or lease must recite the approval of the resolution of the board authorizing the sale. *Education Code 11.153(c)*

**Donation of Former  
School Campus**

The board may, by resolution, authorize the donation of real property and improvements formerly used as a school campus to a municipality, county, state agency, or nonprofit organization if:

1. Before adopting the resolution, the board holds a public hearing concerning the donation and, in addition to any other notice required, gives notice of the hearing by publishing the subject matter, location, date, and time of the hearing in a newspaper having general circulation in the territory of a district;
2. The board determines that:
  - a. The improvements have historical significance;
  - b. The transfer will further the preservation of the improvements; and
  - c. At the time of the transfer, the district does not need the real property or improvements for educational purposes; and
3. The entity to whom the transfer is made has shown, to the satisfaction of the board, that the entity intends to continue to use the real property and improvements for public purposes.

The board president shall execute a deed transferring ownership of the real property and improvements to the municipality, county, state agency, or nonprofit organization. The deed must:

1. Recite the resolution of a board authorizing the donation; and
2. Provide that ownership of the real property and improvements revert to a district if the municipality, county, state agency, or nonprofit organization:
  - a. Discontinues use of the real property and improvements for public purposes; or
  - b. Executes a document that purports to convey the property.

*Education Code 11.1541(a)–(b)*

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

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**Note:**      Regarding disposal of school buses, see CNB.  
                 Regarding disposal of school-owned personal property,  
                 see CI.  
                 Regarding geospatial data products, see CQA.

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OTHER REVENUES  
GIFTS AND SOLICITATIONS

CDC  
(LEGAL)

**Use of Donations**

General Rule

A conveyance, devise, or bequest of property for the benefit of the public schools, if not otherwise directed by the donor, vests the property in the board or their successors as trustees for those to be benefited by the donation. Funds or other property donated or the income from the property may be spent by the trustees:

1. For any purpose designated by the donor that is in keeping with the lawful purposes of the schools for the benefit of which the donation was made; or
2. For any legal purpose if a specific purpose is not designated by the donor.

Funds for Staff  
Positions

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the campus for which the donation was designated. This provision expires September 1, 2025. [See DC]

*Education Code 11.156*

Prohibited Use

A district may not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development related to a concept listed in Education Code 28.0022(a)(4)(A). *Education Code 28.0022(c)* [See EMB]

**Charitable Raffles**

A district is not a “qualified nonprofit organization” for purposes of the Charitable Raffle Enabling Act (Occupations Code 2002.001 et seq.). *Atty. Gen. Op. JM-1176 (1990)*

“Raffle” means the award of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. *Occupations Code 2002.002(6)* [See also GKB]



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**Note:** For legal requirements applicable to purchases with federal funds, see CBB.

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

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

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

For information on procuring school buses, see CNB.

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

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

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**Board Authority**

The board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

Delegation of  
Authority

The board may, as appropriate, delegate its authority regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by a district to a designated person, representative, or committee.

The board may not delegate the authority to act regarding an action authorized or required to be taken by the board by Education Code Chapter 44, Subchapter B.

*Disaster  
Delegation*

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under Education Code Chapter 44, Subchapter B if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

*Education Code 44.0312*

**Purchases Valued at  
or Above \$50,000**

Methods

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method, of the following methods, that provides the best value for a district:

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1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. An interlocal contract.
5. A method provided by Government Code Chapter 2269 for construction services [see CV series];
6. The reverse auction procedure as defined by Government Code 2155.062(d).
7. The formation of a political subdivision corporation under Local Government Code 304.001 (purchase of electricity).

*Education Code 44.031(a)*

*Exceptions*

Emergency  
Damage or  
Destruction

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

Sole Source

Without complying with Education Code 44.031(a) above, a district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The exceptions above do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

*Education Code 44.031(j)–(k)*

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*Competitive  
Bidding*

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Contract Selection Factors, below].

Except as provided below, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts) does not apply to a competitive bidding process under this policy.

Local Government Code Sections 271.026 (Opening of Bids), 271.027(a) (Award of Contract), and 271.0275 (Safety Record of Bidder Considered) apply to a competitive bidding process under Education Code Chapter 44, Subchapter B. [See CVA for these requirements.]

*Education Code 44.0351*

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

*Competitive  
Sealed Proposals*

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a district shall follow the procedures prescribed below.

Request for  
Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

Opening  
Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected

offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

*Education Code 44.0352*

*Interlocal  
Contracts*

“Interlocal contract” means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the U.S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A district may agree with another local government and with the state or a state agency, including the comptroller, to purchase goods and services. *Gov’t Code 791.003(2), .011(a), .025(a)*

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may be renewed. Notwithstanding item 2 above, an interlocal contract may have a specified term of years.

*Gov’t Code 791.011(d)–(f), (i)*

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and any services reasonably required for the installation, operation, or

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maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel. *Gov't Code 791.025(b)*

A district that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of the goods and services. *Gov't Code 791.025(c); Atty. Gen. Op. JC-37 (1999)*

*Reverse Auction*

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the district and fair to vendors. *Local Gov't Code 271.906(b)*

"Reverse auction procedure" means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

*Gov't Code 2155.062(d)*

Site-Based  
Purchasing

If a purchase is made at the campus level in a district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Education Code Subchapter F, Chapter 11 [see BQ series], that delegates purchasing decisions to the campus level, Education Code 44.031 applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this provision shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Education Code 44.031(a). *Education Code 44.031(m)*

**Contract Selection  
Factors**

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.

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2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

*Education Code 44.031(b)*

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b-1)*

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vending v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.)

Preferences  
*Agricultural  
Products*

A district that purchases agricultural products shall give preference to those produced, processed, or grown in Texas if the cost to the district is equal and the quality is equal. If agricultural products produced, processed, or grown in Texas are not equal in cost and quality to other products, the district shall give preference to agricultural products produced, processed, or grown in other states of the United States, if the cost and quality of the U.S. and foreign products are equal.

“Agricultural products” includes textiles and other similar products.

“Processed” means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form.

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

Vegetation for  
Landscaping

A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal.

*Education Code 44.042*

[For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]

Recycled  
Products

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than ten percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *30 TAC 328.203*

Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. *30 TAC 328.204(a)*

A district regularly shall review and revise its procurement procedures and specifications for the purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials;
2. Encourage the use of products made of recycled materials; and
3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use.

In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused.

*Health and Safety Code 361.426(b)–(c)*

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*Bidder's Place of  
Business*

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code Section 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153. *Education Code 44.031(b-1)*

**Notice Publication**

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

**Electronic Bids or  
Proposals**

A district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Notwithstanding any other provision of Education Code Chapter 44, an electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

*Education Code 44.0313*

**Right to Work**

While a district is engaged in procuring goods and services or awarding a contract, or overseeing procurement or construction for a public work or public improvement, a district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

*Education Code 44.043*



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**Contract with Person  
Indebted to District**

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the district.

“Person” includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that proposes or otherwise seeks to enter into a contract or other transaction with the district requiring approval by the board.

*Education Code 44.044*

**Out-of-State Bidders**

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov’t Code 2252.002*

This requirement does not apply to a contract involving federal funds. A district shall use the information published by the comptroller under Government Code 2252.003 (Publication of Other State’s Laws on Contracts) to evaluate the bid of a nonresident bidder. A district may rely on information published under Government Code 2252.003 to meet the requirements of Government Code 2252.002. *Gov’t Code 2252.003–.004*

“Governmental contract” means a contract awarded by a governmental entity, including a public school district, for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

“Resident bidder” refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

*Gov’t Code 2252.001*

**Professional  
Services**

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect, attorney, certified public accountant, engineer, or fiscal agent. A district may, at its option, contract for professional services rendered

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by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003 (Professional Services Procurement Act) (see below), in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Professional  
Services  
Procurement Act

*Selection*

A district may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.003(a)*

*Definition*

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, registered nurse, or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

*Gov't Code 2254.002*

[For specific information on procuring architectural or engineering services, see CV. For information on procuring services of physicians, optometrists, and registered nurses under certain circumstances, see Government Code 2254.008.]

Contingent Fee  
Contract for Legal  
Services

"Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this provision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action. *Gov't Code 2254.101(2)*

Government Code Chapter 2254, Subchapter C provides the manner in which and the situations under which a district may compensate a public contractor under a contingent fee for legal services. That subchapter does not apply to a contract for legal services:

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1. Provided to a district under Government Code Chapter 403, Subchapter M; or
2. Entered into by a district for the collection of an obligation, as defined by Government Code 2107.001, that is delinquent [see CCGA(LEGAL) regarding delinquent tax collection] or for services under Government Code 1201.027 [see CCA(LEGAL) regarding issuance of public securities], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

*Gov't Code 2254.102*

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code 2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

In procuring legal services under a contingent fee contract, a district shall:

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and
2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

*Gov't Code 2254.1032*

**Specific Purchases**

Computers

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

Automated  
Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391* [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.]

Automated External  
Defibrillators

A district that purchases or leases an automated external defibrillator (AED), as defined by Health and Safety Code 779.001, shall ensure that the AED meets standards established by the federal Food and Drug Administration. *Education Code 44.047(a)*

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Insurance	A contract for the purchase of insurance is not a contract for professional services. A district must award such a contract using one of the methods in Education Code 44.031. <i>Atty. Gen. Op. DM-418 (1996)</i>
<i>Multiyear Contracts</i>	A district may execute an insurance contract for a period longer than 12 months, if the contract complies with Local Government Code 271.903(a) [see Commitment of Current Revenue, below]. If a district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the district will be executing a new insurance contract. <i>Atty. Gen. Op. DM-418 (1996)</i>
<b>Other Purchasing Methods</b>	The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:
State Purchasing Program	<ol style="list-style-type: none"><li>1. The extension of state contract prices to participating local governments when the comptroller considers it feasible.</li><li>2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government.</li><li>3. Provision of information and technical assistance to local governments about the purchasing program.</li></ol> <p>The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.</p> <p><i>Local Gov't Code 271.082</i></p>
<i>District Participation</i>	A district may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the board requesting that the district be allowed to participate on a voluntary basis, and to the extent the comptroller deems feasible, and stating that the district will: <ol style="list-style-type: none"><li>1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the board will direct the decisions of the representative;</li><li>2. Be responsible for:<ol style="list-style-type: none"><li>a. Submitting requisitions to the comptroller under any contract; or</li></ol></li></ol>

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- b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor;
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A district that purchases an item under a state contract or under a reverse auction procedure, sponsored by the comptroller satisfies any state law requiring the district to seek competitive bids for the purchase of the item.

*Local Gov't Code 271.083*

Multiple Award  
Contract Schedule

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state. *Gov't Code 2155.502(a)*

A district may purchase goods or services directly from a vendor under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I. A district contracting for the purchase of an automated information system under a contract listed on a schedule shall comply with Government Code 2157.068(e-1) (Purchase of Information Technology Commodity Items) [see Automated Information System, above]. A purchase authorized by this provision satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I.

*Gov't Code 2155.504*

Cooperative  
Purchasing  
Program

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A district that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative organization stating that the district will:

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;

PURCHASING AND ACQUISITION

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(LEGAL)

2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

A district that purchases goods or services under these provisions satisfies any state law requiring the district to seek competitive bids for the purchase of the goods or services.

*Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)*

*Cooperative  
Purchasing  
Contract Fees*

A district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document a contract-related fee, including a management fee, paid by or to the district and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The commissioner of education may audit the written report.

*Education Code 44.0331*

**Commitment of  
Current Revenue**

If a contract for the acquisition, including lease, of real or personal property retains to the board the continuing right to terminate at the expiration of each budget period during the term of the contract, is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of a district's current revenue only. *Local Gov't Code 271.903*

**Change Orders**

For provisions regarding change orders, see CV.

**Criminal Offenses**

An officer, employee, or agent of a district commits an offense if the person with criminal negligence makes or authorizes separate, se-

PURCHASING AND ACQUISITION

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quential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude.

“Component purchases” means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. “Separate purchases” means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. “Sequential purchases” means purchases, made over a period, of items that in normal purchasing practices would be made in one purchase.

*Education Code 44.032(a)–(b)*

An officer, employee, or agent of a district commits an offense if the person with criminal negligence violates Education Code 44.031(a) or (b) other than by conduct described by Education Code 44.032(b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude. *Education Code 44.032(c)*

An officer or employee of a district commits an offense if the officer or employee knowingly violates Education Code 44.031, other than by conduct described by Education Code 44.032(b) or (c). An offense under this provision is a Class C misdemeanor. *Education Code 44.032(d)*

Removal from  
Office

The final conviction of a person other than a trustee of a district for an offense under Education Code 44.032(b) or (c) above results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under Education Code 44.032 is considered to have committed official misconduct for purposes of Local Government Code Chapter 87, and is subject to removal as provided by that chapter and Texas Constitution Article V, Section 24. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. *Education Code 44.032(e)*

**Injunction**

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney’s fees as approved by the court. *Education Code 44.032(f)*

SCHOOL PROPERTIES DISPOSAL

CI  
(LEGAL)

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**Note:** For legal requirements applicable to property acquired with federal funds, see CBB.

For information on disposal of instructional materials and technological equipment, see CMD.

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All rights and title to district property, whether real or personal, shall be vested in the board and its successors in office. The trustees may, in any appropriate manner, dispose of property that is no longer necessary for the operation of the district. *Education Code 11.151(c)* [See also CDB(LEGAL)]

**Surplus or Salvage  
Property from a  
State Agency**

A district may not lease, lend, bail, deconstruct, encumber, sell, trade, or otherwise dispose of property acquired under Government Code 2175.184 or 2175.241 before the second anniversary of the date the property was acquired. A district that violates this provision shall remit to the Texas Facilities Commission the amount the district received from the lease, loan, bailment, deconstruction, encumbrance, sale, trade, or other disposition of the property unless the commission authorizes the district's action. *Gov't Code 2175.184(b)*

**Law Enforcement  
Vehicles**

A district may not sell or transfer a marked patrol car or other law enforcement motor vehicle to:

1. The public unless the district first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment; or
2. A security services contractor who is regulated by the Department of Public Safety and licensed under Occupations Code 1702 unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

A district that sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of these provisions is liable for damages proximately caused by the use of the vehicle during the commission of a crime, and to the state for a civil penalty of \$1,000. Governmental immunity to suit and from liability is waived and abolished to the extent of this liability.

*Local Gov't Code 272.006*





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**Note:** For information regarding security breaches, see CQB.  
For record retention requirements under specific statutes, see the applicable policy code.

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**Definitions**

Custodian

“Custodian” means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. *Local Gov’t Code 201.003(2)*

Disposition

“Disposition” means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. *13 TAC 7.71(5)*

Electronic Record

“Electronic record” means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. *13 TAC 7.71(6)*

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**Note:** Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

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Electronic Records System

“Electronic records system” means any information system that produces, manipulates, and stores local government records by using a computer. *13 TAC 7.71(7)*

Electronic Storage Media

“Electronic storage media” means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. *13 TAC 7.71(8)*

Essential Record

“Essential record” means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. *Local Gov’t Code 201.003(5)*

Local Government Record

“Local government record” means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a district or any of its officers or employees, pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

*Local Gov't Code 201.003(8)*

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. <i>Local Gov't Code 201.003(10)</i>
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. <i>Local Gov't Code 201.003(12)</i>
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. <i>Local Gov't Code 201.003(13)</i>

OFFICE MANAGEMENT  
RECORDS MANAGEMENT

CPC  
(LEGAL)

Records Management Officer	"Records management officer" means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] <i>Local Gov't Code 201.003(14)</i>
Records Retention Schedule	"Records retention schedule" means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. <i>Local Gov't Code 201.003(15)</i>
Retention Period	"Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. <i>Local Gov't Code 201.003(16)</i>
Third-Party Custodians	"Third-party custodians" means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). <i>13 TAC 7.71(16)</i>

**Board's Responsibilities**

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district's activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

*Local Gov't Code 203.021*

**District's Duties**

Each district shall:

OFFICE MANAGEMENT  
RECORDS MANAGEMENT

CPC  
(LEGAL)

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least ten days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
  - a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
  - b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

*Gov't Code 441.169*

Minimum  
Requirements for  
Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

*13 TAC 7.74*

Security of  
Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

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**Note:** The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

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Custodians of  
Records

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

*Local Gov't Code 203.022*

**Records  
Management Officer**

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

*Local Gov't Code 203.025(a)–(e)*

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;
3. In cooperation with the custodians of the records:
  - a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

- b. Identify and take adequate steps to preserve local government records of permanent value;
  - c. Identify and take adequate steps to protect essential local government records;
  - d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;
4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and
5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

*Local Gov't Code 203.023*

Electronic Records  
Management  
Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;
2. Integrate the management of electronic records into existing records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities;
4. Address electronic records management requirements, including retention requirements and final disposition;
5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other



necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

*13 TAC 7.73*

**Records  
Management  
Program**

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)–(c)*

**Electronic Records  
Management**

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
  - a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and

- b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;
- 6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and
- 7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

*13 TAC 7.72(c)*

**Records Control  
Schedules**

The records management officer shall:

- 1. Prepare a records control schedule listing the following records and establishing a retention period for each:
  - a. All records created or received by the district;
  - b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and
  - c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and
- 2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

**Amendment of  
Schedules**

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records

control schedule or amended schedule by the officers of the district as it considers necessary.

*Local Gov't Code 203.041*

**Retention Periods** A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

**TSLAC Retention Schedules** TSLAC has adopted the following retention schedules, among others: Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. These schedules establish mandatory minimum retention periods for the records listed. *13 TAC 7.125*

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**Note:** [Local government records retention schedules](#)<sup>1</sup> are available on the TSLAC website.

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## **Destruction of Records**

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been micro-filmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least ten days before destroying the record as required by Government Code 441.169;
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

*Local Gov't Code 202.001; 13 TAC 7.123(c)*

**Electronic Records Destruction** Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

*13 TAC 7.78(a), (b)*

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

**Preservation of  
Records**

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

**Records Offenses**

Destruction or  
Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with  
Governmental  
Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

*Penal Code 37.10*

Federal  
Investigations

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

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<sup>1</sup> Local Government Retention Schedules:  
<https://www.tsl.texas.gov/slr/recordspubs/localretention.html>

The Superintendent shall oversee the performance of records management functions prescribed by state and federal law:

- Records administrator, as prescribed by Local Government Code 176.001 and 176.0065. [See BBFA]
- Officer for public information, as prescribed by Government Code 552.201–.205. [See GBAA]
- Public information coordinator, as prescribed by Government Code 552.012. [See BBD]

**Local Government  
Records Act**

The term “local government record” shall pertain to all items identified as such by the Local Government Records Act.

“Local Government  
Record”

Records  
Management  
Officer

The Superintendent shall serve as and perform the duties of the District’s records management officer as prescribed by Local Government Code 203.023 and shall administer the District’s records management program pertaining to local government records in compliance with the Local Government Records Act.

*Notification*

The records management officer shall file his or her name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

**Electronic Records**

The records management officer shall develop procedures for the management of electronic records that comply with the District’s records control schedules and meet the minimum components required by law.

The procedures shall:

1. Specify the objectives of the electronic records management program;
2. Identify the responsibilities of employees who create, receive, or maintain electronic records;
3. Ensure the maintenance of electronic records until the expiration of the applicable retention period and final disposition; and
4. Ensure that electronic records that must be protected from unauthorized use or disclosure are appropriately protected as required by law, regulation, or other applicable requirements.

Records Control  
Schedules

The records management officer shall file with the TSLAC a written declaration that the District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law.

**Website Postings**

The District's records management program shall address the length of time records will be posted on the District's website when the law does not specify a posting period.

**Records Destruction Practices**

All local government records shall be considered District property and any unauthorized destruction or removal shall be prohibited. The District shall follow its records control schedules, records management program, and all applicable laws regarding records destruction. However, the District shall preserve records, including electronically stored information, and suspend routine record destruction practices where appropriate and in accordance with procedures developed by the records management officer. Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained. Notification shall be given to appropriate staff when routine record destruction practices must be suspended and when they may be resumed.

**Training**

The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable District staff are trained on the District's records management program, including this policy and corresponding procedures.

TECHNOLOGY RESOURCES  
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

CQA  
(LEGAL)

**Information Required  
on Website**

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

*Gov't Code 2051.201*

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**Note:** See GBA regarding the confidentiality of certain board member information.

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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*



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**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.

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**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]

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CQA  
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7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]
8. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]
9. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]
10. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]
11. A district shall post an election notice required under Election Code 85.007. [See BBBA]
12. A district shall post election information under Election Code 4.009. [See BBBA]
13. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
14. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
15. A district shall post election results under Election Code 65.016. [See BBBB]
16. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]
17. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

18. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
19. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
20. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]
21. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]
22. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]
23. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]
24. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]
25. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]
26. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
27. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]
28. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

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29. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]
30. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
31. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]
32. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]
33. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1–.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]
34. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]
35. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]
36. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]
37. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]
38. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
39. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

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40. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]
41. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]
42. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]
43. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]
44. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]
45. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]
46. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]
47. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]
48. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

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49. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]
50. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]
51. Each school year, the board shall post a summary of the [Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis](#)<sup>1</sup> on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]
52. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]
53. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]
54. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]
55. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]
56. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]
57. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]
58. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code

37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

**Optional Internet Postings**

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

**Geospatial Data Products**

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

**Notice**

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered

professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

*Gov't Code 2051.102*

*Exemption*

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

*Gov't Code 2051.103*

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<sup>1</sup> 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](https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf)





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**Definitions**

Participating Entity

“Participating entity” means an entity participating in the uniform group coverage program established under Insurance Code Chapter 1579.

Program

“Program” means the uniform group coverage program established under Insurance Code Chapter 1579 (TRS-ActiveCare).

*Insurance Code 1579.002(5), (6)*

**Coverage  
Requirements**

A district shall participate in the uniform group coverage program established under Insurance Code Chapter 1579 as provided by Subchapter D of that chapter. *Education Code 22.004(a)*

Districts with 500 or  
Fewer Employees

Each district with 500 or fewer employees is required to participate in the program. *Insurance Code 1579.151(a)*

Self-Funded  
Districts

Notwithstanding the above, a district otherwise subject to the requirement that, on January 1, 2001, was individually self-funded for the provision of health coverage to its employees may elect not to participate in the program. *Insurance Code 1579.151(b)*

Districts with More  
Than 500  
Employees

A district with more than 500 employees may elect to participate in the program. A district that elects to participate shall apply for participation in the manner prescribed by TRS rule. *Insurance Code 1579.152*

**TRS-ActiveCare**

The Teacher Retirement System (TRS) shall implement and administer the uniform group coverage program described by Insurance Code Chapter 1579. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, .101*

Eligibility

Participation in the program is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. *Insurance Code 1579.202(a)*

*Full-Time  
Employees*

A “full-time employee” is a participating member who is currently employed by a district in a position that is eligible for membership in TRS and who is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551 (Texas Employees Group Benefits Act), 1601 (State University Employees Uniform Insurance Benefits Act), or 1575 (Texas Public School Retired Employees Group Benefits Act [TRS-Care]). *34 TAC 41.33(2)*

*Certain Part-Time  
Employees*

A part-time employee of a district who is not a participating member in TRS is eligible to participate in the program only if the employee pays all of the premiums and other costs associated with

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the health coverage plan selected by the employee. *Insurance Code 1579.204*

A “part-time employee” is an individual who:

1. Is currently employed by a district for ten hours or more each week;
2. Is employed in a position that is not eligible for membership in TRS or is not eligible for membership in TRS because of a service or disability retirement; and
3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551, 1601, or 1575 (TRS-Care).

*34 TAC 41.33(6)*

Alternative Group  
Health Coverage  
Prohibited

Notwithstanding any other law, a participating entity may not offer or make available to the entity’s employees or their dependents group health coverage not provided under the program. *Insurance Code 1579.1045; 34 TAC 41.30(e)*

If, contrary to 34 Administrative Code 41.30(e) and Insurance Code 1579.1045, a participating entity offers alternative group health coverage, TRS may pursue remedies for noncompliance, including but not limited to removal from or denial of entry into TRS-ActiveCare. TRS may impose or pursue one or more remedies. The pursuit of one remedy does not constitute a waiver of any other remedy that TRS may have at law or equity. If TRS discovers that a participating entity is in violation of 34 Administrative Code 41.30(e) after the beginning of a plan year, in addition to any other available remedy, TRS will remove the entity from the program effective at the end of the month in which TRS discovers the situation; and it will be the entity's liability to procure alternative coverage or provide other remedies for the employees and their dependents that lose coverage under these circumstances. *34 TAC 41.30(f)*

*Participation  
Election*

Election to  
Discontinue

Effective September 1, 2022, a participating entity may elect to discontinue the entity’s participation in the program by providing written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective.

A participating entity that elects to discontinue participation in the program may not elect to:

1. Participate in the program until the fifth anniversary of the effective date of the entity’s election to discontinue participation; or

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2. Discontinue the entity's participation after an election described by item 1 until the fifth anniversary of the effective date of that election.

Election to  
Continue

Effective September 1, 2022, an entity that elects to participate in the program shall provide written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective. The entity may not elect to discontinue the entity's participation until the fifth anniversary of the effective date of the entity's election to participate.

*Insurance Code 1579.155; 34 TAC 41.30*

An eligible entity that submits a written election to participate in TRS-ActiveCare under 34 Administrative Code 41.30 must include with the notice of election the information specified in 34 Administrative Code 41.45. Written notices of election to participate in TRS-ActiveCare without the information required will be considered incomplete and will be denied by TRS. *34 TAC 41.45*

Optional Coverages

Education Code 22.004 does not preclude a district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 from entering into contracts to provide optional insurance coverages for district employees. *Education Code 22.004(j)*

**Other Health  
Coverage Programs**

A district that does not participate in the program shall make available to its employees group health coverage provided by a risk pool established by one or more districts under Local Government Code Chapter 172 ("authorized risk pool"), or under a policy of insurance or group contract issued by an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization under Insurance Code Chapter 843.

Comparability

The coverage provided by a district that does not participate in the program must meet the substantive coverage requirements of Insurance Code Chapter 1251, Subchapter A, Chapter 1364, and Chapter 1366, Subchapter A, and any other law applicable to group health insurance policies or contracts issued in this state. The coverage must include major medical treatment but may exclude experimental procedures. "Major medical treatment" means a medical, surgical, or diagnostic procedure for illness or injury. The coverage may include managed care or preventive care and must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act).

The following factors shall be considered in determining whether the district's coverage is comparable to the basic health coverage specified above:

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1. The deductible amount for service provided inside and outside of the network;
2. The coinsurance percentages for service provided inside and outside of the network;
3. The maximum amount of coinsurance payments a covered person is required to pay;
4. The amount of the copayment for an office visit;
5. The schedule of benefits and the scope of coverage;
6. The lifetime maximum benefit amount; and
7. Verification that the coverage is issued by a provider licensed to do business in this state by the Texas Department of Insurance (TDI) or is provided by an authorized risk pool or that a district is capable of covering the assumed liabilities in the case of coverage provided through district self-insurance.

*Education Code 22.004(b)*

Financial Statement      A district that does not participate in the program may not contract with an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization to issue a policy or contract under Education Code 22.004, or with any person to assist the district in obtaining or managing the policy or contract unless, before the contract is entered, the insurer, company, organization, or person provides the district with an audited financial statement showing the financial condition of the insurer, company, organization, or person. *Education Code 22.004(f)*

Small Employer  
Market Election      A district may elect to participate as a small employer without regard to the number of employees in the district. A district that makes this election is treated as a small employer under Insurance Code Chapter 1501 for all purposes.

A district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 may not participate in the small employer market under this provision and may not renew a health insurance contract obtained in accordance with this provision after the date on which the program of coverages provided under Chapter 1579 is implemented. This provision does not affect a contract for the provision of optional coverages not included in a health benefit plan under Insurance Code Chapter 1501.

*Insurance Code 1501.009*

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<i>Employee Election — Spouses</i>	<p>A district employee who is eligible for coverage under a large or small employer health benefit plan providing coverage to the district's employees and who is the spouse of another district employee covered under the plan may elect whether to be treated under the plan as an employee or as the dependent of the other employee. <i>Insurance Code 1501.0095</i></p>
Self-Funded Health-Care Plan	<p>The board may establish a health-care plan for district employees and their dependents. In implementing the plan, the board shall establish a fund to pay, as authorized under the plan, all or part of the actual costs for hospital, surgical, medical, dental, or related health care incurred by employees or any dependent whose participation in the program is being supported by deductions from an employee's salary. Under the plan, the fund also may be used to pay the costs of administering the fund. The fund consists of money contributed by the district and money deducted from salaries of employees for dependent or employee coverage. Money for the fund may not be deducted from an employee's salary unless the employee authorizes the deduction in writing. The plan shall attempt to protect the district against unanticipated catastrophic individual loss, or unexpectedly large aggregate loss, by securing individual stop-loss coverage, or aggregate stop-loss coverage, or both, from a commercial insurer.</p> <p>The board may amend or cancel the district's health-care plan at any regular or special board meeting. If the plan is canceled, any valid claim against the fund for payment of health-care costs resulting from illness or injury occurring during the time the plan was in effect shall be paid out of the fund. If the fund is insufficient to pay the claim, the costs shall be paid out of other available district funds.</p> <p><i>Education Code 22.005</i></p>
Compliance Report	<p>Each district that does not participate in the program shall prepare a report addressing its compliance with Education Code 22.004. The report must be available for review, together with the policy or contract for the group health coverage plan, at the central administrative office of each campus in the district and be posted on the district's internet website if the district maintains a website, must be based on the district group health coverage plan in effect during the current plan year, and must include:</p> <ol style="list-style-type: none"><li>1. Appropriate documentation of:<ol style="list-style-type: none"><li>a. The district's contract for group health coverage with a provider licensed to do business in this state by TDI or an authorized risk pool; or</li></ol></li></ol>

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- b. A resolution of the board authorizing a self-insurance plan for district employees and of the district's review of district ability to cover the liability assumed;
2. The schedule of benefits;
3. The premium rate sheet, including the amount paid by the district and employee;
4. The number of employees covered by the health coverage plan offered by the district; and
5. Information concerning the ease of completing the report.

*Education Code 22.004(d)*

**Cost of Coverage**  
TRS-ActiveCare

The cost of coverage under the program shall be paid by the state, the district, and the employees in the manner provided by Insurance Code, Chapter 1579, Subchapter F, below. *Education Code 22.004(c)*

*State  
Contribution*

The state shall provide for each covered employee the amount of \$900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 48 and 49 and used by districts as provided by Education Code 48.275. *Insurance Code 1579.251(a)*

*Employee  
Contribution*

An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and a district's contribution.

*District  
Contribution*

A district may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.

*Insurance Code 1579.253*

A district shall make contributions for the program as provided by Insurance Code Chapter 1581. *Insurance Code 1579.252* [See District Required Minimum Effort, below]

**Other Health  
Coverage Programs**

The cost of coverage under a plan adopted by a district that does not participate in the program shall be shared by the employees and the district, using the contributions by the state described by Insurance Code Chapter 1579, Subchapter F. [See State Contribution, above] *Education Code 22.004(c)*

**District Required  
Minimum Effort**

A district shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees of the district multiplied by \$1,800. *Insurance Code 1581.052(a)*

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**Designation of  
Compensation for  
Benefits**

An employee who is covered by a cafeteria plan or who is eligible to pay health-care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health-care supplementation. [See DEA] *Education Code 22.103(a), (c)*

Use

An employee may use compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

Written Election

Each year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. An election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

**Continuation  
Coverage**

After Resignation

Notwithstanding any other law, an employee whose resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in the uniform group coverage plan or the district's group health coverage through the earlier of:

1. The first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to district employees for the last instructional year in which the employee was employed by the district; or
2. The last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

If an employee's resignation is effective after the last day of an instructional year, the district may not diminish or eliminate the amount of a contribution available to the employee under Insurance Code Chapter 1581 [see District Required Minimum Effort, above] before the last date on which the employee is entitled to participation or enrollment.

*Education Code 22.004(k), (l); 34 TAC 41.38*

During Military  
Leave

An employee who is absent from a position of employment by reason of service in the uniformed services may elect to continue coverage under a health plan. The maximum period of coverage of such a person and the person's dependents shall be the lesser of:

1. The 24-month period beginning on the date on which the person's absence begins; or



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2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

*38 U.S.C. 4317(a)*

During FMLA Leave During any period of leave under the Family and Medical Leave Act (FMLA), a district shall maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. *29 U.S.C. 2614(c); 29 C.F.R. 825.209, .210, .213* [See also DECA]

Upon Termination or Other Qualifying Event (COBRA) In accordance with regulations that the Secretary of Health and Human Services shall prescribe, each group health plan that is maintained by any state that receives funds under 42 U.S.C. Chapter 6A, by any political subdivision of such a state, or by any agency or instrumentality of such a state or political subdivision, shall provide, in accordance with 42 U.S.C. Chapter 6A, Subchapter XX, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan. *42 U.S.C. 300bb-1(a)*

[For more information on the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), see 42 U.S.C. 300bb-1 through 300bb-8.]

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**Note:** See DEB for continuation benefits that are available to survivors of district peace officers under certain conditions.

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**Coverage of  
Preexisting  
Conditions**

Notwithstanding any other law, group health benefit coverage provided by or offered through a district to its employees under any law other than the uniform group coverage program is subject to the requirements of Insurance Code Sections 1501.102–.105, which limit exclusion for preexisting conditions. This provision applies to all group health benefit coverage provided by or offered through a district to its employees, including a standard health benefit plan issued under Insurance Code Chapter 1507 and health and accident coverage provided through a risk pool established under Local Government Code Chapter 172. *Education Code 22.004(m)*

TRS-ActiveCare Coverage provided under the uniform group coverage program may not be made subject to a preexisting condition limitation during the initial period of eligibility. *Insurance Code 1579.105*

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Federal Law

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage. 42 U.S.C. 300gg-3(a)

**Privacy of Health Information**

To the extent a district is a covered entity under the Administrative Simplification provisions of HIPAA (42 U.S.C. Chapter 7, Subchapter XI, Part C; 45 C.F.R. Parts 160, 162, 164), the district must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E.

Definitions

“Covered entity” means:

*Covered Entity*

1. A health plan;
2. A health-care clearinghouse; or
3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by 45 C.F.R. Subtitle A, Subchapter C.

45 C.F.R. 160.103

*Protected Health Information*

“Protected health information” means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any form or medium. “Protected health information” excludes individually identifiable health information:

1. In education records covered by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. [See FL]
2. In records described at 20 U.S.C. 1232g(a)(4)(B)(iv) (medical treatment records on a student who is at least 18 years of age).
3. In employment records held by a covered entity in its role as employer.

45 C.F.R. 160.103



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

In addition to the facility standards contained in this policy, additional requirements are set out in 19 Administrative Code 61.1036 and 61.1040.

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**State Standards for  
Construction on or  
After November 1,  
2021**

Applicability

All new facilities must meet the commissioner's standards for adequacy of school facilities to be eligible to be financed with state or local tax funds. *Education Code 46.008*

The school facilities standards established in 19 Administrative Code 61.1040 ("section 61.1040") shall apply to all district capital improvement projects as follows, regardless of the type of school facility or the type of construction delivery method used by the district.

1. A district capital improvement project of any type or size relating to a school facility subject to section 61.1040 must comply with applicable requirements established in section 61.1040(d), (e), (f), (j), and (k).
2. A project for new construction or major renovation at an instructional facility must comply with the requirements established in section 61.1040(d), (e), (f), (g), (j), and (k) and one of the methods required to demonstrate compliance with minimum space requirements established in section 61.1040(h) and (i).
3. A project for minor renovation at an instructional facility must comply with applicable requirements established in section 61.1040(d)(1), (e), (f), (j), and (k).
4. A project for new construction, major renovation, or minor renovation at a specialized instructional facility, noninstructional facility, or noninstructional specialized assembly facility must comply with applicable requirements established in section 61.1040(d)(1), (e), (f), (j), and (k).
5. A project for major renovation that includes minor scopes of work in an area of a school facility that is separate and distinct from the project scope of the major renovation may be performed as a part of a construction services contract for the major renovation without the minor scope of work becoming subject to the standards in section 61.1040(g), (h), or (i) if:
  - a. The minor scopes of work would not, on a stand-alone basis, be considered a major renovation project; and

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- b. The cost of the minor scopes of work is included in the total cost of the project construction budget to determine the appropriate scope of work to be included in the project, as specified in section 61.1040(k)(1)(B).

*19 TAC 61.1040(b)(1)*

Definitions

The words and terms used in section 61.1040 shall have the meanings set out in section 61.1040(a).

*Capital  
Improvement  
Project*

Any school facility project consisting of new construction, major renovation, or minor renovation for which construction services are procured under Government Code Chapter 2269, in accordance with Education Code 44.031(a)(5). *19 TAC 61.1040(a)(4)* [See CV]

Implementation

The school facilities standards established in section 61.1040 shall apply to a capital improvement project for which at least one of the following has occurred on or after November 1, 2021:

1. A board adopts a fiscal year maintenance and operations budget where a capital improvement project title and a design or design and construction budget are delineated;
2. A board calls a bond election where one or more capital improvement project titles and design or design and construction budgets are delineated; or
3. A new contract or amendment to an existing contract for architectural services for new construction or a major renovation project or a contract for engineering services for a major renovation or minor renovation has been agreed to and signed and dated by both parties to the agreement.

*19 TAC 61.1040(c)(1)*

A district shall consider implementing the safety and security standards under section 61.1040(k) for any safety and security upgrades to an existing instructional facility that does not require compliance with section 61.1040. *19 TAC 61.1040(c)(4)*

*Option for  
Actions Taken  
Before  
November 1,  
2021*

A board may elect to treat a capital improvement project, for which an action listed above was taken prior to November 1, 2021, under standards established in 19 Administrative Code 61.1036, below, or under the standards established in section 61.1040. If an election to comply with section 61.1040 is made by a board, the district and architect may mutually agree that the contract for design services may be adjusted and then must signify in writing that the project will become subject to the facilities standards established in section 61.1040 through an affirmative indication on the required

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certification form for the project or through some other written document or addendum to the contract signifying election under section 61.1040 and any modifications to the contract terms agreed to by the parties.

If a board makes an election to comply with section 61.1036, it may still elect to comply with section 61.1040(k) (safety and security standards).

*19 TAC 61.1040(c)(2)–(3)*

Educational  
Adequacy  
*Long-Range  
Facility Plan*  
Elements

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

The long-range facility plan shall include all of the following elements that apply to the facility and project and must also be updated prior to commencement of construction to include the access control document required in section 61.1040(k)(1)(B):

1. Existing and proposed instructional programs at the project campus, including special education, dual language, course offerings, and partnerships;
2. The age and condition of all buildings and systems at the project campus;
3. History of completed capital improvement projects at the facility;
4. Site evaluation of the project campus, including, but not limited to, overall site; shape; useable land; suitability for intended use as well as planned improvements; adequate vehicular, pedestrian, and emergency access; queueing; parking; and site amenities;
5. The district's educational specifications;
6. The district's enrollment projections, maximum student enrollment of the facility, and the facility's maximum instructional capacity, if applicable; and
7. The noncompliance, partial compliance, or full compliance with each of the safety and security standards required in section 61.1040(k).

Process

The process of developing the long-range facility plan shall consider input from teachers, students, parents, taxpayers, and other district stakeholders.



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Compliance

The requirement for a long-range facility plan is met when a district completes the long-range facility plan, presents it to the board, and makes it available to the prime design professional for a capital improvement project. The long-range facility plan expires after five years from the date of the final plan presented to the board and must be updated prior to commencement of a subsequent capital improvement project. A long-range facility plan developed as part of a district-wide long-range facilities plan may be used to satisfy this requirement.

*19 TAC 61.1040(d)(1)*

*Educational  
Specifications*

A district shall ensure that a project for new construction and major renovation subject to section 61.1040 complies with the requirements and standards as follows.

Elements

Educational specifications are a written document prepared by the district and approved by the board and shall include all of the following:

1. The district mission, vision, goals, and pedagogy;
2. Preliminary details related to facility type, grades served, and maximum student enrollment;
3. Pertinent provisions of the multi-hazard emergency operations plan that may inform the functionality of the built environment, including how the district complies with Education Code 37.108 [see CKC];
4. A written statement that includes:
  - a. Inclusive design goals and considerations supported by the district; and
  - b. How inclusive design should be addressed in new and renovated facility designs;
5. Minimum total square footage required to comply with the quantitative method of compliance; and
6. Innovative teaching or operational practices intended for implementation at the instructional facility that may lead to the use of the qualitative method of compliance.

Schedule

An educational specification shall be created for each campus type. If the design and construction of a new campus or major renovation of an existing campus differs substantially from an educational specification that exists for the same campus type, a separate educational specification must be developed. Educational specifications shall be initiated upon the first proposed project of its

type and must be completed prior to initiating the planning or programming phase of a project. Each educational specification must be updated after five years from the date of approval.

Compliance

The requirement for educational specifications is met when a district delivers the approved document to the architect.

*19 TAC 61.1040(d)(2)*

*Exceptions*

A district is exempt from the requirements of section 61.1040(d) (Educational Adequacy):

1. If a school facility experiences catastrophic damage and the board approves a capital improvement project in accordance with Education Code 44.0312(c) (delegation of contracting authority); or
2. In a situation deemed urgent by action of the board that warrants immediate action because, if left unresolved, it would impair the conduct of classes.

*19 TAC 61.1040(d)(3)*

Administration

Section 61.1040(e) establishes standards for the administration and procurements of design professional services and other professional services and for the administration of competitive bids and contracting requirements for construction services. A district shall comply with requirements in section 61.1040(e) and with all applicable requirements, restrictions, and responsibilities established in state law, administrative code, or by a local authority having jurisdiction.

A district shall comply with the administrative and procedural requirements established in section 61.1040(e) and with the standards established in section 61.1040(j) to promote construction quality and best value for a capital improvement project subject to section 61.1040.

A standard in section 61.1040 that incorporates by reference a key statutory provision or administrative rule is established as a compliance requirement for a district seeking to procure, obtain a competitive bid, or administer a contract for construction services, construction-related services, design professional services, or any other professional service required for a capital improvement project. The requirements establish a method by which a district shall demonstrate compliance with the requirements in section 61.1040(e) and with the construction quality standards and construction code requirements in section 61.1040(j). Any express reference to, or omission of, an applicable statutory provision in section 61.1040(e) may not be construed to diminish, alter, or abate a

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provision of law applicable to a district or to a district capital improvement project subject to section 61.1040.

*19 TAC 61.1040(e)(1)*

*District  
Requirements  
and  
Responsibilities*

In addition to the provisions below, district requirements and responsibilities are set out in section 61.1040(e)(2).

*Procurement  
Transparency*

In accordance with Education Code 46.003(g), the board and voters of a district shall determine district needs concerning construction, acquisition, renovation, or improvement to instructional facilities. District funding is entrusted to the district by the taxpayers, and a district must ensure procurement processes and procedures are transparent and provide the best value to the district by complying with applicable laws governing procurement of professional design services and construction services [see CV] and with the standards established in section 61.1040(e) to promote construction quality. *19 TAC 61.1040(e)(2)(A)*

*Superintendent's  
Duties*

In accordance with Education Code 11.201, a superintendent shall oversee and ensure compliance with the standards for school facilities established in section 61.1040 and shall ensure board consideration for any action specified as being required to be made by the board, whether by statute, board rule, or other applicable requirement. *19 TAC 61.1040(e)(2)(B)*

*Requirements for  
Other Services*

Requirements for construction services, design professional services, and third-party consultants are set out in section 61.1040(e)(3)–(5).

*Contract  
Compliance and  
Quality Control*

A district shall ensure that services sought by or provided to the district for a school facility capital improvement project, including, but not limited to, professional design services, construction services, construction administration services, third-party inspection services, third-party testing services, or third-party code compliance services, are provided through a project-specific written agreement that meets the requirements of section 61.1040(e)(6). *19 TAC 61.1040(e)(6)*

*Certification of  
Compliance with  
Standards*

A district, design professional, contractor, and prime subcontractors, if applicable, shall certify compliance with all applicable standards required in section 61.1040(d), (g)–(k) as required by section 61.1040(f). *19 TAC 61.1040(f)(1)*

*Instructional Facility  
Space Standards*

Standards for space for instructional facilities are set out in section 61.1040(g).

*Board Approval  
of Compliance*

A board shall approve compliance with the quantitative method of compliance for instructional facility space requirements under sec-

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tion 61.1040(h) or the qualitative method of compliance for instructional facility space requirements under section 61.1040(i) before the commencement of design development for a capital improvement project for an instructional facility. *19 TAC 61.1040(h), (i)*

A district may use the qualitative method of compliance for a capital improvement project only if the board has prior documented approval of one or more instructional or operational practices for the proposed project that distributes or manages student capacity in an innovative or nontraditional manner. Prior to approving the qualitative method of compliance, all instructional and operational practices applicable to the proposed project must have been documented and approved by the board to demonstrate compliance with the requirements in section 61.1040(i). *19 TAC 61.1040(i)*

Construction Quality  
Standards

A capital improvement project for a school facility must reasonably comply with the following construction code requirements.

*Construction  
Code  
Requirements*

Projects located outside of a municipal jurisdiction in the unincorporated area of a county must reasonably comply with the requirements of section 61.1040(j)(1)(A).

Projects located inside of a municipal jurisdiction must reasonably comply with the requirements of section 61.1040(j)(1)(B).

*19 TAC 61.1040(j)(1)*

*Third-Party Code  
Compliance  
Requirement*

District responsibilities and other requirements related to third-party code compliance are set out in section 61.1040(j)(2).

Safety and Security  
Standards

A capital improvement project of a district must include campus-wide implementation of the provisions of section 61.1040(k)(1) related to communications infrastructure and access control. *19 TAC 61.1040(k)(1)*

*Requirements for  
All Instructional  
Facilities*

A district shall develop a document that designates each exterior door of each instructional facility campus-wide as either primary, secondary, or nondesignated entrances and shall ensure that the documented designation of all exterior doors becomes part of the long-range facility plan prior to commencement of construction of a capital improvement project. *19 TAC 61.1040(k)(1)(B)*

*Additional  
Standards Based  
on Budget*

A district shall approve a project construction budget for a capital improvement project at completion of the design development phase of the project and prior to commencement of the construction documents phase. The project construction budget approved by the district shall determine how many of the additional safety and security standards established in section 61.1040(k)(3) are required for the project. A district shall designate in writing which of

the additional safety and security standards in section 61.1040(k)(3) have been approved by the board for a capital improvement project and shall provide to the prime design professional and each design professional of record written documentation of the approved safety and security standards for the proposed facility prior to commencement of the construction documents phase of a capital improvement project. The following standards shall apply to a capital improvement project for an instructional facility until all instructional facilities campus-wide fully comply with all of the additional safety and security standards specified in section 61.1040(k).

1. If a project construction budget is \$1 million to \$5 million, the facility is required to comply with at least one additional safety and security standard specified in section 61.1040(k)(3).
2. If a project construction budget is \$5 million to \$10 million, the facility is required to comply with at least two additional safety and security standards specified in section 61.1040(k)(3).
3. If a project construction budget is over \$10 million, the facility is required to comply with all of the additional safety and security standards specified in section 61.1040(k)(3).
4. For a capital improvement project that includes new construction, the new construction of an instructional facility is required to comply with all three of the additional safety and security standards specified in section 61.1040(k)(3).

*19 TAC 61.1040(k)(2)*

Exceptions

A district may opt out of the requirements specified in section 61.1040(k)(2) if:

1. The facility is scheduled to, according to the long-range facilities plan, cease operations as an instructional facility within three years of the project; and
2. The five-year long-range facility plan clearly states that, prior to the end date of the plan, the facility will be compliant with at least two additional safety and security standards if ceasing operation does not occur or operation resumes. The long-range facility plan must specify which two additional safety and security standards will be implemented.

*19 TAC 61.1040(k)(4)*

*Public Disclosure*

A board shall ensure information or documents collected, developed, or produced by the district as part of a capital improvement project are reviewed to ensure that any project-specific safety and

security information is adjusted for disclosure if necessary to accommodate the requirement for a district to use protections provided in Education Code 37.108, which directs the district to protect sensitive information, while also providing general information to the public indicating district compliance commitments made in accordance with section 61.1040(k). *19 TAC 61.1040(k)(5)* [See CKC]

**State Standards for  
Construction Before  
November 1, 2021**

The requirements for school facility standards set out in 19 Administrative Code 61.1036 ("section 61.1036") shall apply to projects for new construction or major space renovations if:

1. A board adopts a fiscal year maintenance and operations budget where a capital improvement project title and a design or design and construction budget are delineated;
2. A board calls a bond election where one or more capital improvement project titles as well as design or design and construction budgets are delineated; or
3. A new contract or amendment to an existing contract for architectural services for new construction or a major renovation for a school facility project has been agreed to, and signed and dated by both parties to the agreement after January 1, 2004, and before November 1, 2021.

*19 TAC 61.1036(b)*

Definitions and  
Procedures

The words, terms, and procedures used in section 61.1036 shall have the meanings set out in section 61.1036(a) unless the context clearly indicates otherwise.

Certification of  
Design and  
Construction

In section 61.1036, "certify" indicates that the architect or engineer has reviewed the standards contained in 19 Administrative Code Chapter 61 and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer also certifies that these documents conform to the provisions of section 61.1036, except as indicated on the certification.

The district shall notify and obligate the architect or engineer to provide the required certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance. To ensure that facilities have been designed and constructed according to the provisions of section 61.1036, each involved party shall execute responsibilities as set forth in section 61.1036(c)(3).

*19 TAC 61.1036(c)*

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Construction Quality <i>Districts with Building Codes</i>	A district located in an area that has adopted local construction codes shall comply with section 61.1036(f)(1).
<i>Districts without Building Codes</i>	A district located in an area that has not adopted local building codes shall comply with section 61.1036(f)(2).
<i>International Energy Conservation Code</i>	<p>The International Energy Conservation Code as it existed on May 1, 2015, is adopted as the energy code for use in this state for all commercial construction. <i>Health and Safety Code 388.003(b); 34 TAC 19.53(b)</i></p> <p>Because a public school building is not a residential building, it falls within the scope of “commercial” construction for purposes of the International Energy Conservation Code and likely for purposes of Health and Safety Code Chapter 388. <i>Atty. Gen. Op. KP-148 (2017)</i></p>
<i>Portable, Modular Buildings</i>	Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of section 61.1036. <i>19 TAC 61.1036(a)(11), (f)(3)</i>
<b>Fire Escapes</b>	School buildings of at least two stories shall be equipped with fire escapes as required by law. <i>Health and Safety Code 791.002, .035, .036</i>
<b>Security Criteria</b>	A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. <i>Education Code 46.0081</i>
<b>Accessibility</b>	<p>No qualified individual with a disability shall, because a district’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in or be denied the benefits of the services, programs, and activities of a district or be subject to discrimination. <i>42 U.S.C. 12132; 28 C.F.R. 35.149; 29 U.S.C. 794; 34 C.F.R. 104.21</i></p> <p>A district shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. A district is not required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.</p> <p>A district may comply with these requirements by:</p> <ol style="list-style-type: none"><li>1. Redesigning or acquisitioning equipment.</li></ol>

2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 C.F.R. 104.23 and 28 C.F.R. 35.151.
8. Any other methods that result in making services, programs, and activities accessible to individuals with disabilities.

A district is not required to make structural changes in existing facilities when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, a district shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

*28 C.F.R. 35.150; 34 C.F.R. 104.22*

#### Review of Plans

All plans and specifications for construction or for the substantial renovation or modification of a building or facility must be submitted to the Department of Licensing and Regulation for review and approval if the estimated construction cost is at least \$50,000. The architect, interior designer, landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the plans and specifications required. A district as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the Department. On application to a local governmental entity for a building construction permit, the district as owner shall submit to the entity proof that the plans and specifications have been submitted to the Department under Government Code Chapter 469 (Elimination of Architectural Barriers).

A district, as owner of a building or facility described above is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation under Government Code Chapter 469 not later than the first anniversary of the date that the



construction or substantial renovation or modification of the building or facility is completed. The inspection must be performed by the Department, an entity with which the Commission contracts, or a person who holds a certificate of registration under Government Code Chapter 469, Subchapter E.

*Gov't Code 469.101, .102(a), (c), .105*

Notice

A district shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 C.F.R. 104.22(f)*

**Relocatable  
Educational Facility**

In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Education Code 28.002.

A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under Occupations Code Chapter 1202.

*Occupations Code 1202.004*

**Playgrounds**

Public funds may not be used to purchase or install:

1. Playground equipment that:
  - a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International; or
  - b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed;
2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International.

Exception

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if

the equipment or surfacing does not comply with the applicable specifications described above.

*Health and Safety Code 756.061*

### **Outdoor Lighting**

An outdoor lighting fixture may be installed, replaced, maintained, or operated using state funds only if it meets standards for state-funded outdoor lighting fixtures in Health and Safety Code Chapter 425.

#### **Exceptions**

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The fixture is used on a temporary basis;
3. Because emergency personnel temporarily require additional illumination for emergency procedures;
4. For nighttime work;
5. Special events or circumstances require additional illumination;
6. The fixture is used solely to enhance the aesthetic beauty of an object; or
7. A compelling safety interest cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

*Health and Safety Code 425.002*

### **Natural Gas Piping Pressure Testing**

A district shall perform biennial pressure tests on the natural gas piping system in a school facility before the beginning of the school year. A district with more than one facility may perform the testing on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a district operates the facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

A natural gas piping pressure test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements.

*Utilities Code 121.502; 16 TAC 8.230(c)(1), (4)*

**Requirements of  
Test**

A district shall perform the pressure test to determine whether the natural gas piping downstream of a district facility's meter holds at least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

**Notice**

A district shall provide written notice to the district's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the district. *Utilities Code 121.504(a); 16 TAC 8.230(b)(1)*

**Termination of  
Service**

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

*Utilities Code 121.505(a)*

A supplier shall develop procedures for terminating service to a district if the supplier:

1. Receives notification of a hazardous natural gas leak in the school facility piping system; or
2. Does not receive written notification from the district specifying the completion date and results of the testing.

*16 TAC 8.230(b)(2)*

**Reporting Leaks**

An identified natural gas leakage in a district facility must be reported to the board. The firm or individual conducting the natural gas piping pressure test shall immediately report any hazardous natural gas leak in a district facility to the board and the natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

**LP-Gas Systems  
Testing**

At least biennially, a district shall perform leakage tests on the LP-gas piping system in each district facility before the beginning of the school year. The district may perform the leakage tests on a

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two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If a district operates one or more district facilities on a year-round calendar, the leakage test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the testing requirements.

*Natural Resources Code 113.352; 16 TAC 9.41*

Requirements of  
Test

A district shall perform the leakage test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the Railroad Commission. The leakage test must be conducted in accordance with Railroad Commission rules at 16 Administrative Code 9.41. The leakage test shall be conducted by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in providing for the certification of a district employee to conduct the test and in developing a procedure for conducting the test. *Natural Resources Code 113.353; 16 TAC 9.41(b)–(d)*

Notice

Before the introduction of any LP-gas into the LP-gas piping system, a district shall provide verification to its supplier that the piping has been tested.

Documentation

A district shall retain documentation specifying the date and the result of each leakage test or other inspection of each LP-gas piping system until at least the fifth anniversary of the date the test or other inspection was performed. The Railroad Commission may review a district's documentation of each leakage test or other inspection conducted by the district.

*Natural Resources Code 113.354; 16 TAC 9.41(b)(3)–(4)*

Termination of  
Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the district or the person conducting the test that there is leakage in a school LP-gas system;
2. The leakage test performed on a school LP-gas system was not performed as required; or
3. The supplier has not received a copy of the required form from the district verifying that the LP-gas system has been tested in accordance with 16 Administrative Code 9.41.

*Natural Resources Code 113.355; 16 TAC 9.41(e)*

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Reporting Leaks

An identified school LP-gas leakage in a school district facility shall be reported to the board. The district shall immediately remove the affected school district facility from LP-gas service until repairs are made and it passes a subsequent school LP-gas system leakage test. If a district employee performs the initial test, then the subsequent test may not be performed by a district employee. *Natural Resources Code 113.356; 16 TAC 9.41(b)(2)*

Definitions

“School district facility” means each building or structure operated by a school district and equipped with a school LP-gas system in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, vehicle fueling facilities, administrative offices, and similar facilities not regularly used by students.

“School LP-gas system” means all piping, fittings, valves, regulators, appliance connectors, equipment, and connections supplying fuel gas from the outlet of the shutoff valve at each LP-gas storage container or upstream of each meter to the shutoff valve(s) on each appliance in a school district facility.

*16 TAC 9.41(a)(3)–(4)*

**Intrastate Pipeline  
Emergency  
Response Plan**

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from a district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:
  - a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
  - b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
  - c. The designated emergency number for the pipeline facility operator;
  - d. Information on the state’s excavation one-call system; and
  - e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the district in which the school building or facility is located.

A pipeline operator or the operator's representative shall appear at a regularly scheduled board meeting to explain the above items if requested by the board or district.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the board.

*Natural Resources Code 117.012(k)–(m); 16 TAC 8.315*



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

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

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

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

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

For facility standards, see CS.

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**Definition** “Public work contract” means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. *Gov’t Code 2253.001(4)*

**Board Authority** A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov’t Code 2269.051; 19 TAC 61.1040(e)(2)(H)*

**Delegation of Authority** The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. *Gov’t Code 2269.053(a)*

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. *Gov’t Code 2269.053(b); Education Code 44.0312(a)*

If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. *Education Code 44.0312(a); 19 TAC 61.1040(e)(2)(E)*

A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with Education Code 44.0312. *19 TAC 61.1040(e)(2)(F)*

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[For information regarding delegation in the event of a catastrophe, emergency, or natural disaster, see CH.]

**Contracts Valued at  
or Above \$50,000**

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for a district [see also CH]:

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*
  - a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
  - b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
  - c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
  - d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
  - e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
  - f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

*Education Code 44.031(a); Gov't Code Ch. 2269*

**Exceptions**

*Emergency  
Damage or  
Destruction*

For information on procurement options when school equipment, a facility, or personal property is destroyed or severely damaged as a result of an unforeseen catastrophe or emergency, under Education Code 44.031, see CH.

*Contracts  
Requiring a Bond*

A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. "Reverse auction procedure" has the meaning assigned by Government Code 2155.062 or a procedure similar to that described by Section 2155.062. *Gov't Code 2253.021(h)*

**Notice Publication**

A board shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.

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For a contract entered into by a board under a method provided by Government Code 2269, the board shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.

*Gov't Code 2269.052(a)–(b)*

[See CH for additional notice publication requirements.]

**Contract Selection  
Criteria**

In determining the award of a contract under Government Code Chapter 2269, the district shall consider and apply:

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

In determining the award of a contract, the district may consider:

1. The price.
2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

*Gov't Code 2269.055*

**Using Method Other  
Than Competitive  
Bidding**

Determine Best  
Value

The board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district.

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications:

1. The criteria that will be used to evaluate the offerors;

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	<ol style="list-style-type: none"><li>2. The applicable weighted value for each criterion; and</li><li>3. A detailed methodology for scoring each criterion.</li></ol>
Make Evaluations Public	<p>The district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.</p> <p><i>Gov't Code 2269.056</i></p>
<b>Submission</b>	<p>A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. <i>Gov't Code 2269.059</i></p>
<b>Documents Related to Evaluation and Ranking</b>	<p>An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror's submission.</p> <p>Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.</p> <p><i>Gov't Code 2269.060</i></p>
<b>Uniform General Conditions for Contracts</b>	<p>After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. <i>Education Code 44.035</i></p>
<b>Right to Work</b>	<p>While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:</p> <ol style="list-style-type: none"><li>1. May not consider whether a person is a member of or has another relationship with any organization; and</li><li>2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.</li></ol> <p><i>Gov't Code 2269.054</i></p>
Collective Bargaining	<p>A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not:</p>

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1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

*Gov't Code 2269.0541(a)*

**Out-of-State Bidders**

For legal requirements regarding out-of-state bidders, see CH.

**Change Orders**

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

*Education Code 44.0411*

**Inspection,  
Verification, and  
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004.  
*Gov't Code 2269.058*

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**Note:** For additional requirements related to code compliance, including fees and contracts, see 19 Administrative Code 61.1040(e)(5).

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**Impact Fees**

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the

payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees.

*Local Gov't Code 395.022*

**Design  
Professionals**

A district shall designate one design professional to be the prime design professional for a capital improvement project and shall contractually engage the prime design professional to review and coordinate the design of the project, allowing the prime design professional to rely on and contract for other design professionals where appropriate. *19 TAC 61.1040(a)(4), (e)(4)(D)*

A district shall require any design professional contractually engaged to procure professional design services from any other design professional as a subconsultant to select and subcontract the professional design services based on the qualification-based selection process established in Government Code Chapter 2254. [See Procuring Architectural or Engineering Services, below] *19 TAC 61.1040(e)(5)(B)*

**Architects and  
Engineers**

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

*Gov't Code 2269.057*

**Registered  
Architect**

An architectural plan or specification for any of the following may be prepared only by an architect:

1. A new building having construction costs exceeding \$100,000 that is to be:
  - a. Constructed and owned by a district; and
  - b. Used for education, assembly, or office occupancy; or
2. An alteration or addition having construction costs exceeding \$50,000 that:
  - a. Is to be made to an existing building that:
    - (1) Is owned by a district; and
    - (2) Is or will be used for education, assembly, or office occupancy; and

- b. Requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

*Occupations Code 1051.703; 22 TAC 1.212*

*Registered  
Engineer*

A district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

1. The engineering plans, specifications, and estimates have been prepared by an engineer; and
2. The engineering construction is to be performed under the direct supervision of an engineer.

*Occupations Code 1001.407*

The following work is exempt from Occupations Code Chapter 1001 (Texas Engineering Practice Act):

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less.

*Occupations Code 1001.053*

*Certification for  
Purchases  
Through  
Purchasing  
Cooperatives*

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under Government Code Chapter 791 in an amount greater than \$50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupation Code Chapter 1001 or 1051; or
2. The plans and specifications required under Occupation Code Chapters 1001 and 1051 have been prepared.



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“Purchasing cooperative” means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

*Gov’t Code 791.011(j)* [See CH for more information on interlocal contracts and purchasing cooperatives.]

Procuring  
Architectural or  
Engineering  
Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect. *Education Code 44.031(f)* [See CH for information on the Professional Services Procurement Act generally.]

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The district shall continue this process to select and negotiate with providers until a contract is entered into.

*Gov’t Code 2254.004*

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov’t Code 791.011(h)*

Contracts for  
Engineering or  
Architectural  
Services

*Indemnification*

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

*Duty to Defend*

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the

covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

*District as  
Additional  
Insured*

A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

*Standard of Care*

A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Nothing in these provisions prohibits a district in a contract for engineering or architectural services to which the district is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

*Local Gov't Code 271.904*

**Payment and  
Performance Bonds**

A district that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the district:

1. A performance bond if the contract is in excess of \$100,000; and
2. A payment bond if the contract is in excess of \$25,000.

A bond required by this provision must be executed by a corporate surety in accordance with Insurance Code Article 7.19-1 (now Insurance Code 3503.001–.005). A bond for a public work contract with a district must be payable to and its form must be approved by the awarding board.

*Gov't Code 2253.021(a), (d)–(e)*

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. *Gov't Code 2253.021(b)*

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material, and in the amount of the contract. *Gov't Code 2253.021(c)*

Failure to Obtain  
Payment Bond

If a district fails to obtain from a prime contractor a payment bond as required above:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and
2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

*Gov't Code 2253.027(a)*

Bond for Insured  
Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

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The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

*Exception to  
Bond  
Requirement*

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

*Gov't Code 2253.022*

**Prevailing Wage on  
Public Works**

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

*Gov't Code 2258.021*

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or
2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The

board's determination of the general prevailing rates of per diem wages is final.

*Gov't Code 2258.022(a), (c)–(e)*

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and
2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

*Gov't Code 2258.051–.052(a)–(c)*

Retainage and  
Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

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**Note:** Arbitration of unresolved issues is governed by Government Code 2258.053–.055.

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A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders,

or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)–(b)*

Penalty for  
Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. *Gov't Code 2258.058(a)*

**Required Workers'  
Compensation  
Coverage**

A district shall ensure a contract for construction services required to be procured by a method in Government Code Chapter 2269 specifies the contractor's responsibilities for site safety and requires compliance with the requirement to provide workers' compensation insurance in accordance with Labor Code 406.096, below. *19 TAC 61.1040(e)(3)(D)*

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. *Labor Code 406.096(a)–(b)*

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).

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2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
  - a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
  - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation.

*28 TAC 110.110(c)*

Exception	This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). <i>28 TAC 110.110(i)</i>
Definitions	"Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on

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the project. "Services" includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. *28 TAC 110.110(a)(7)*

"Project" includes the provision of all services related to a building or construction contract for a district. *28 TAC 110.110(a)(8)*

**Criminal Offenses**

For information on criminal offenses for violations of Education Code 44.031, see CH.

**Enforcement Actions**

Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th day after the date on which the contract is awarded. *Gov't Code 2269.452*

Defects in Facilities

A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.

The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;



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3. The reimbursement of the district for a repair or replacement;  
or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

*Definitions*

"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

*Education Code 44.151*

*Attorney General  
Enforcement*

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state's share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed \$20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or

3. If applicable, the amount of the state's share.

*Education Code 44.152(a)–(b)*

Attorney Fees

A governmental contract may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

*Gov't Code 2252.904*

Construction  
Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. *Gov't Code 2272.002(a)*



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- Employment Policies** A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:
1. A board employs and evaluates the superintendent;
  2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
  3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
  4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
  5. Each employee has the right to present grievances to the board. [See Grievances, below]

*Education Code 11.1513*

- Tax Identifier** A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]
- Contract Positions** A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]
- Delegation of Authority** A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]
- Availability** A district shall post on its internet website, if the district has a website, the employment policy adopted by the board under Education Code 11.1513(a) and the full text of any regulations referenced in the policy.
- A district shall make available any forms referenced in its employment policy on an intranet website that is maintained by the district and accessible to district employees, or at a district administrative office designated by the district if the district does not maintain an intranet website.

*Education Code 11.1513(k)*

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<b>Internal Auditor</b>	If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. <i>Education Code 11.170</i> [See CFC]
<b>Superintendent Recommendation</b>	A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. <i>Education Code 11.1513(b)</i>
<b>Posting of Vacancies</b>	<p>A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:</p> <ol style="list-style-type: none"><li>1. Notice of the position by posting the position on:<ol style="list-style-type: none"><li>a. A bulletin board at:<ol style="list-style-type: none"><li>(1) A place convenient to the public in the district's central administrative office, and</li><li>(2) The central administrative office of each campus during any time the office is open; or</li></ol></li><li>b. The district's internet website, if the district has a website; and</li></ol></li><li>2. A reasonable opportunity to apply for the position.</li></ol> <p><i>Education Code 11.1513(d)</i></p>
<b>Exception</b>	If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. <i>Education Code 11.1513(e)</i>
<b>Grievances</b>	A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of

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a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

*Education Code 11.1513(i)–(j)* [See DGBA]

**Transfers**

A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

**Contract Employees**

A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

**Classroom Teacher**

"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

**Minimum Length of Contract**

A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

**Proportionate Reduction**

If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

**Commissioner Waiver**

The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

**Educational Aides**

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

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**Employment of  
Retirees**

Monthly Certified  
Statement

A district shall submit to the Teacher Retirement System of Texas (TRS) a monthly certified statement of employment for all retirees employed by the district during each month of a school year. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

*Deadline*

A district must submit the monthly certified statement and all required employer surcharges under 34 Administrative Code 31.3 (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

If the due date for submission of a monthly certified statement and required employer surcharges falls on a weekend or federal holiday, a district shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

*Late Submissions*

A district that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees. A district must pay to TRS the late fee established by rule for each business day that the monthly certified statement is past due.

*Required  
Information*

A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

1. The number of hours and days worked by the retiree;
2. Whether the retiree's employment qualifies as one or more of the following types:
  - a. Substitute employment;
  - b. One-half time or less employment;
  - c. Employment as a tutor under Education Code 33.913;
  - d. Employment in a federally funded COVID-19 personnel position that meets the requirements of Government Code 824.6021 and 34 Administrative Code 31.16 (relating to Federally Funded COVID-19 Personnel);
  - e. Full-time employment;

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- f. Trial employment of a disability retiree for up to three months; or
  - g. Any combination of these types;
- 3. The amount of gross compensation paid to the retiree during the report month;
  - 4. The total amount due under 34 Administrative Code 41.4 (relating to Employer Health Benefit Surcharge); and
  - 5. Any other information requested by TRS.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

*Gov't Code 824.6022, 825.403(k); 34 TAC 31.2*

**Former Board  
Member Employment**

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

**New Hires**  
I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

- 1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.
- 2. For an individual whose employment authorization expires, not later than the date of expiration.

*8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)*

**New Hire Reporting**

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.



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A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's pay-roll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

*Deadline*

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

*Penalties*

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

*42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I*

**Donations for  
Supplemental  
Educational Staff**

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated. This provision expires September 1, 2025. *Education Code 11.156(c), (d)*

**Social Security  
Numbers**

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

*Exceptions*

The federal law does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

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2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

*Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)*

**Employment  
Assistance  
Prohibited**

Federal Law

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

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3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

*20 U.S.C 7926 [See also CJ]*

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

*Education Code 21.0581; 19 TAC 249.15(b)(13)*

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**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

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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;

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2. Approval for the waiver by a vote of a majority of the members of the board;
3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

*Education Code Ch. 21, Subch. O; 19 TAC 102.1073*

**Local Optional  
Teacher Designation  
System**

A district may designate a classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Commissioner's  
Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including:

1. Teacher eligibility;
2. Application procedures and approval process;
3. System expansion, spending modifications, and changes;
4. Monitoring and annual program evaluation of approved local designation systems;
5. Continuing approval and renewal; and
6. Funding.

*19 TAC 150.1012*

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

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2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

*Education Code 21.3521(b); 19 TAC 150.1014*

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as recognized in accordance with the commissioner's rules for eligibility. *Education Code 21.3521(c); 19 TAC 150.1013*

Assistance

TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. *Education Code 21.3521(e)*

No Property Right

A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. *Education Code 21.3521(f)*

Teacher Incentive  
Allotment

For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.

A district shall annually certify that:

1. Funds received were used as follows:
  - a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and
  - b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and
2. The district prioritized high needs campuses in the district in using funds.

*Education Code 48.112(c), (i)*

Evaluations

TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher

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designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*

**Mentor Teachers**

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by commissioner's rules.

*Education Code 21.458(a)*

Commissioner's  
Rules

The commissioner's rules for receiving funds under the mentor program allotment specify the requirements for districts to implement a mentor training program, including:

1. Program requirements related to mentor selection, mentor assignment, training, roles and responsibilities, and meetings;
2. An application approval process;
3. Ongoing verification of compliance with program requirements;
4. Allowable expenditures; and
5. Program review through periodic reports.

*19 TAC 153.1011*

Assignment of  
Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years. *Education Code 21.458(a-1)*

Requirements for  
Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the commissioner's research-based mentor and induction training program above;



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3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and
4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

*Education Code 21.458(b)*

Training

A district must provide the training program described above to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow the commissioner's research-based mentor and induction training program to qualify for the district's required training. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;
3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;
4. Professional development; and
5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and

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2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

*Education Code 21.458(f), (f-1)*

Allotment

A school district that has implemented a mentoring program is entitled to an allotment to fund the mentoring program and provide stipends for mentor teachers under a formula adopted by the commissioner.

Funding may be used only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and
3. Mentoring support through providers of mentor training.

*Education Code 48.114*

**Achievement  
Academy Stipends**

A stipend received by a teacher who attends a literacy or mathematics achievement academy is not considered in determining whether a district is paying the teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

**Autism Training**

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

**Retirement  
Incentives**

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

**Attendance  
Supplement**

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*



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**Note:** This policy addresses leave for an employee's military service. For provisions on leaves in general, see DEC. For provisions regarding the Family and Medical Leave Act (FMLA), including family and medical leave for an employee seeking leave because of a relative's military service, see DECA.

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**Federal Military  
Leave**

Reemployment

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301–4335, and its regulations at 20 C.F.R. Part 1002 if:

1. Unless notice is precluded by military necessity or is otherwise unreasonable or impossible, the person, or an appropriate officer of the uniformed service in which such service is performed, has given advance written or verbal notice of such service to such person's employer;
2. The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years, calculated in accordance with 38 U.S.C. 4312(c); and
3. The person reports to or submits an application for reemployment to such employer in accordance with the provisions of 38 U.S.C. 4312(e) and (f) and 20 C.F.R. Part 1002, Subpart C.

*38 U.S.C. 4312(a)–(c); 20 C.F.R. 1002.5(1)*

For purposes of federal military leave, the term “uniformed services” means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA); system members of the National Urban Search and Rescue Response System during a period of appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and any other category of persons designated by the president in time of war or emergency.

The term “service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty; active

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duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; state active duty for a period of 14 days or more; state active duty in response to a national emergency declared by the president under the National Emergencies Act, 50 U.S.C. 1601 et seq.; state active duty in response to a major disaster declared by the president under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170; a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty; a period for which a system member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

The term "state active duty" means training or other duty, other than inactive duty, performed by a member of the National Guard of a state not under 32 U.S.C. 502 or under U.S.C. Title 10; in service to the governor of a state; and for which the member is not entitled to pay from the federal government.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

*38 U.S.C. 4303(13), (15)–(16), 4316(a)*

Exceptions

An employer, including a school district is not required to reemploy a person if:

1. The employer's circumstances have so changed as to make reemployment impossible or unreasonable;
2. The person is entitled to reemployment under 38 U.S.C. 4313(a)(3), 4313(a)(4), or 4313(b)(2)(B), and the reemployment of the person would impose an undue hardship on the employer; or
3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

*38 U.S.C. 4312(d)*

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A person's entitlement to the benefits of 38 U.S.C. Chapter 43 by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

1. A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
2. A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the U.S. secretary concerned.
3. A dismissal of such person permitted under or a dropping of such person from the rolls pursuant to 10 U.S.C. 1161(a) (dismissal of commissioned officers).

*38 U.S.C. 4304*

Notice

Each employer shall provide to persons entitled to rights and benefits under 38 U.S.C. Chapter 43 a notice of the rights, benefits, and obligations of such persons and such employers. The requirement for the provision of notice may be met by the posting of the notice where employers customarily place notices for employees. The U.S. Secretary of Labor shall provide to employers the text of the notice. *38 U.S.C. 4334*

**State Protections for  
Member of Military or  
Rescue Team**

Paid Leave of  
Absence

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a school district, who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. *Gov't Code 437.202(a)*

In addition to the leave provided under Government Code 437.202(a), a person described by Section 437.202(a) called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this provision, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. For purposes of this provision, "disaster" has the meaning assigned by Government Code 418.004. *Gov't Code 437.202(a-1)*

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*Notice*

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year under Government Code 437.202(a) on employment, in the case of an employee, or as soon as practicable after appointment or election, in the case of an officer.

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall, on the request of an officer or employee described by Government Code 437.202(a), provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave under section 437.202(a) in that fiscal year.

*Gov't Code 437.202(e)–(f)*

Return to  
Employment

An employee of this state or a municipality, a county, or another political subdivision of this state with at least five full-time employees who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. An employer, including a school district, may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.202(d), .204(a)*

Reemployment

A public employee, other than a temporary employee, who leaves a state position or a position with a local governmental entity, including a school district, to enter active military service is entitled to be reemployed by the state or the local governmental entity in the same department, office, commission, or board of this state, a state institution, or local governmental entity in which the employee was employed at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

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“Military service” means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard.

*Gov’t Code 613.001(2)–(3), .002*

*Exception*

A public employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the department, office, commission, or board of the state, a state institution, or a local governmental entity in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov’t Code 613.003*

*Application*

To be reemployed, a veteran must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. The application must be made in writing to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity and have attached to it evidence of the veteran’s discharge, separation, or release from military service under honorable conditions. *Gov’t Code 613.004*

*Discharge*

A person reemployed under Government Code Chapter 613 shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov’t Code 613.005*

Application of  
Federal Laws to  
Texas Military  
Members Called to  
Duty

A service member of the Texas military forces who is ordered to state active duty or to state training or other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

1. Performing service in the uniformed services as provided by 38 U.S.C. 4301–4313 and 4316–4319 (USERRA); and
2. In the military service of the United States as provided by 50 U.S.C. 3901–3959, 3991, and 4011–4026 (Servicemembers Civil Relief Act).

*Gov’t Code 437.213*

Use of Personal  
Leave

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

A district may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

*Education Code 22.003(d), (e)*





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**Resignation without  
Consent (Unilateral  
Resignation)**

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave district employment at the end of the school year without penalty by filing a written resignation with a board or a board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to a board president or a board's designee at the post office address of the district is considered filed at the time of mailing.

*Education Code 21.105(a), .160(a), .210(a)*

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 034-R8-0206 (Mar. 5, 2009)*; *Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-R1-503 (Nov. 30, 2006)*.

**Resignation with  
Consent**

The educator may resign, with the consent of the board or the board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999)*; *Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

**Contract  
Abandonment**

Written Complaint

On written complaint by a district, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract, for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

*Education Code 21.105(c), .160(c), .210(c)*

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless a board:

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment

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from the district. Unless the district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract.

2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.
3. Submits the following required attachments to the written complaint:
  - a. The educator's resignation letter, if any;
  - b. The agreement with the educator regarding the effective date of separation from employment, if any;
  - c. The educator's contract; and
  - d. Board meeting minutes indicating a finding of "no good cause." If the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within ten calendar days after the next board meeting.

*19 TAC 249.14(j)*

Notice to Teacher

If a district submits a complaint regarding a teacher to SBEC, the district shall promptly notify the teacher of the complaint. The notice must include:

1. The basis of the complaint;
2. Information regarding how the teacher may contact SBEC; and
3. A reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

SBEC Review

Before imposing sanctions against a teacher for abandonment of contract, SBEC:

1. Must consider any mitigating factors relevant to the teacher's conduct; and
2. May consider alternatives to sanctions, including additional continuing education or training.

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If a teacher files a written resignation after the 45th day but not later than the 30th day before the first day of instruction of the following school year, SBEC may not suspend or revoke the teacher's certificate.

*Education Code 21.105(d)–(f), .160(d)–(f), .210(d)–(f)*

Good Cause

SBEC may consider the following factors good cause when an educator is reported to have abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c):

1. Serious illness or health condition of the educator or close family member of the educator;
2. Relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator;
3. Significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment; or
4. The educator's reasonable belief that the educator had written permission from the school district administration to resign.

Mitigating Factors

SBEC shall consider the following factors in seeking, proposing, or making a decision regarding an educator who has abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c). The educator:

1. Gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
2. Assisted the school district in finding a replacement educator to fill the position;
3. Continued to work until the school district hired a replacement educator;
4. Assisted in training the replacement educator;
5. Showed good faith in communications and negotiations with the school district;
6. Provided lesson plans for classes following educator's resignation;
7. Changed careers within the field of education:

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- a. To a position that required a different class of educator certification as defined in 19 Administrative Code 230.33(b) (relating to Classes of Certificates);
  - b. To a position with a higher level of authority within the principal class of certificate; or
  - c. To a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described above;
8. Had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;
  9. Resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or
  10. Any other relevant circumstances or facts.

*19 TAC 249.17(d)*

**Required Report to SBEC**

A superintendent shall report the educator's resignation to SBEC if the conditions set forth at Education Code 21.006 exist. [See DHB] *Education Code 21.006*

**Investigation**

A superintendent of a district, including a district of innovation, shall complete an investigation of an educator that involves evidence that the educator may have abused or otherwise committed an unlawful act, was involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

**Report by Principal**

A person who serves as a principal in a district, including a district of innovation, must notify the superintendent, and may be subject to sanctions for failure to do so, not later than the seventh business day after the date of an educator's resignation following an alleged incident of misconduct described by Education Code 21.006(b) [see DP]. *Education Code 21.006(b-2); 19 TAC 249.14(e)*

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**Employee Free  
Speech**

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

*Garcetti v. Ceballos*, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) [See also GKD]

**Whistleblower  
Protection**

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A “report” is made to an “appropriate law enforcement authority” if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

*Gov’t Code 554.002*

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov’t Code 554.008*

**Definitions**

“Employee” means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov’t Code 554.001(4)*

“Law” means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov’t Code 554.001(1)*

A “good faith” belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

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2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
  - a. Regulate under or enforce the law alleged to be violated in the report, or
  - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

**Whistleblower  
Complaints**

An employee who alleges a violation of whistleblower protection may sue a district for injunctive relief, actual damages, court costs, and attorney's fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

Initiate Grievance

Before suing, an employee must initiate action under a district's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke a district's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action

If a board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

*Gov't Code 554.005, 554.006* [See DGBA regarding grievance procedures]

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Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	<p>It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law.</p> <p><i>Gov't Code 554.004</i></p>
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. <i>Gov't Code 554.009</i>
<b>Right to Report a Crime</b>	<p>A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers.</p> <p><i>Education Code 37.148</i></p>
<b>Protection for Reporting Child Abuse</b>	<p>A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith:</p> <ol style="list-style-type: none"><li>1. Reports child abuse or neglect to:<ol style="list-style-type: none"><li>a. The person's supervisor,</li><li>b. An administrator of the facility where the person is employed,</li><li>c. A state regulatory agency, or</li><li>d. A law enforcement agency; or</li></ol></li><li>2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.</li></ol> <p>"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.</p>



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A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action.

A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse.

*Family Code 261.110(a)–(c), (l)*

**Protection from  
Disciplinary  
Proceedings**

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

Reporting Child  
Abuse or  
Maltreatment

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041(g)*

Use of Physical  
Force

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Att'y Gen. Op. GA-0202 (2004)*

Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified:

1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and
2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

*Penal Code 9.62*

**Failure to Follow  
Scope and Sequence**

A district may not penalize a teacher who does not follow a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level [see EHAA].

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A district may take appropriate action with respect to a teacher for conduct described above based on documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

*Education Code 28.0027(b), (c)*

**Instructional  
Materials and  
Technological  
Equipment**

A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

Exception

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

The written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to enter into such an agreement as a condition of employment.

*Education Code 31.104(e); 19 TAC 66.107(c)*

**Controversial Topics**

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs. *Education Code 28.0022(a)*

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**Note:** For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

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**Jury Duty**

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

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A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

**Breaks for Nursing Mothers—  
Nonexempt  
Employees**

A district shall provide a nonexempt employee a reasonable break to express breast milk, each time the employee needs to express breast milk for her nursing child, for one year after the child's birth. The district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district is not required to compensate the employee receiving reasonable break time for any work time spent for such purpose.

A district that employs fewer than 50 employees is not subject to these requirements if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

*29 U.S.C. 207(r)*

**Right to Express  
Breast Milk**

A district employee is entitled to express breast milk at the employee's workplace. *Gov't Code 619.002*

The district shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy must state that the district shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

A district shall provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk. The district shall provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. Government Code Chapter 619 does not create a private or state cause of action against a district.

*Gov't Code Ch. 619*

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**Charitable  
Contributions**

A board or a district employee may not directly or indirectly require or coerce any district employee to:

1. Make a contribution to a charitable organization or in response to a fund-raiser; or
2. Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

*Education Code 22.011*

**Protection of Nurses**

A district may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;
2. Constitutes a minor incident, as defined at Occupations Code 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

*Occupations Code 301.352(a)*



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**Note:** The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

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**Definitions**

“Abuse” has the meaning assigned by Family Code 261.001(1).

“Employee” means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

*19 TAC 153.1201(b), (d)*

**Misconduct of  
Noncertified  
Employees**

Education Code 22.093 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

**Notice to TEA of  
Termination or  
Resignation**

A person who serves as the superintendent shall notify the commissioner of education in writing by filing a report within seven business days of the date the person either receives a report from a principal or knew that an employee was terminated or resigned from employment and there is evidence that the employee committed any of the following acts:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

**Principal Notification**

A person who serves as principal must notify the superintendent no later than seven business days after an employee resigns or is terminated following an alleged incident of misconduct described above.

**Investigation**

A superintendent shall complete an investigation of an employee if there is reasonable cause to believe the employee may have engaged in misconduct described above, despite the employee's resignation from district employment before completion of the investigation.

**Form of Report**

The report must include:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:

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- a. Name and any aliases and certificate number, if any, or social security number;
- b. Last known mailing address and home and daytime phone numbers;
- c. All available contact information for any alleged victim or victims;
- d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
- e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
- f. Involvement by a law enforcement or other agency, including the name of the agency.

The name of the student or minor is not public information under Government Code Chapter 552 (Public Information Act).

**Notice to the Board and Employee**

A superintendent shall notify the board and the employee of the filing of the report.

**Immunity**

A superintendent or principal who in good faith and while acting in an official capacity files a report or makes a notification is immune from civil or criminal liability that might otherwise be incurred or imposed.

**Sanctions for Failure to Report**

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator.

**Criminal Offense**

A superintendent commits an offense if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct.

A principal commits an offense if the principal fails to timely provide notice with intent to conceal an employee's alleged incident of misconduct.

An offense under Education Code 22.093(k) is a state jail felony.

**Review of District Records**

The commissioner may review district records to ensure compliance with the requirement to report misconduct.

*Education Code 22.093; 19 TAC 153.1203*

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**Solicitation of Sexual  
Contact**

“Solicitation of sexual contact” means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual contact is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual contact with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
  - a. The nature of the communications;
  - b. The timing of the communications;
  - c. The extent of the communications;
  - d. Whether the communications were made openly or secretly;
  - e. The extent that the employee attempts to conceal the communications;
  - f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and
  - g. Any other evidence tending to show the context of the communications between employee and student;
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;
3. Making sexually demeaning comments to a student;
4. Making comments about a student's potential sexual performance;



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5. Requesting details of a student's sexual history;
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;
8. Inappropriate hugging, kissing, or excessive touching;
9. Providing the student with drugs or alcohol;
10. Violating written directives from school administrators regarding the employee's behavior toward a student;
11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and
12. Any other acts tending to show that the employee solicited sexual contact with a student.

*19 TAC 153.1201(a)*

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<b>Staff Development</b>	
Educator	The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.
Principal	The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]  <i>Education Code 21.451(a), (a-1)</i>
Professional Development Policy	<p>A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:</p> <ol style="list-style-type: none"><li>1. Be guided by the recommendations for training in the clearinghouse;</li><li>2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and</li><li>3. Include a schedule of all training required for educators or other school personnel at the district or school.</li></ol> <p>To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.</p> <p><i>Education Code 21.4515(a), (b)</i></p> <hr/> <p><b>Note:</b> SBEC must publish the continuing education and training clearinghouse not later than June 1, 2022.</p> <p>A district must adopt its professional development policy for district personnel not later than August 1, 2022.</p> <hr/>
Requirements for Training	<p>In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:</p> <ol style="list-style-type: none"><li>1. Incorporates proactive instructional planning techniques using a framework that:<ol style="list-style-type: none"><li>a. Provides flexibility in the ways:<ol style="list-style-type: none"><li>(1) Information is presented;</li><li>(2) Students respond or demonstrate knowledge and skills; and</li></ol></li></ol></li></ol>

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- (3) Students are engaged;
  - b. Reduces barriers in instruction;
  - c. Provides appropriate accommodations, supports, and challenges; and
  - d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and
2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

*Education Code 21.451(a-2), (b), (c)*

Optional Training

Staff development may include training in:

1. Technology and digital learning; and
2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

*Education Code 21.451(d)(1), (d-3), (g)*

Required Training

Staff development must include training on:

1. Suicide prevention;
2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and

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3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board's professional development policy and use a best practice-based program recommended by the Health and Human Services Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

*Education Code 21.451(d)(3), (d-1)*

*Instruction of  
Students with  
Disabilities*

Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

*Education Code 21.001(4)*

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

*Education Code 21.451(d)(2), (e)–(f)*

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*Suicide  
Prevention*

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by TEA and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

*Education Code 38.351(e), (g), (h); 19 TAC 153.1013*

Staff Development  
Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

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**Child Abuse,  
Trafficking, and  
Maltreatment**

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

*Education Code 38.0041(c)–(f); 19 TAC 61.1051(d)*

**Trauma-Informed  
Care**

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

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**Student Discipline**

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

*Education Code 37.0181*

**Test Administration Training**

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

**Cybersecurity Training**

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(g)*

**Special Programs Training**

Teacher Literacy  
Achievement  
Academies  
(Reading  
Academies)

A district shall ensure that:

1. Not later than the 2022–23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and
2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022–23 school year or a subsequent school year has attended a

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teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

*Education Code 28.0062(a)(2)*

[See EHAB for kindergarten–grade 3 reading standards.]

Gifted and Talented  
Education

A district shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.
3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

*19 TAC 89.2*

Elective Bible  
Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the commissioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English  
Language  
Proficiency  
Assessment  
System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*



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**Automated External  
Defibrillators**

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheer-leading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

*Education Code 22.902*

**Extracurricular  
Activity Safety  
Training**

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and
2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;
2. Current training in:
  - a. Emergency action planning;
  - b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and
  - c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
3. A safety drill that incorporates the training and simulates various injuries described above.

*Education Code 33.202(b), (c); 19 TAC 76.1003*

**Records**

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the

public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

*Education Code 33.206; 19 TAC 76.1003(e)*

### **Steroids**

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the district or a private entity with relevant expertise.

*Education Code 33.091(c-1)*

### **Concussions**

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

*Education Code 38.158*

### **Seizure Recognition and Related First Aid**

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

*Education Code 38.033(a), (b)*

[See FFAF for information about a seizure management and treatment plan.]

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LOCAL)

The Superintendent shall recommend the District's professional development plan for all District employees. The Board shall annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan. The District's professional development plan must:

1. Be guided by the SBEC clearinghouse training recommendations;
2. Note any differences in the District's plan from the clearinghouse recommendations; and
3. Include a schedule of the required professional development for all District employees.



PERSONNEL POSITIONS

DP  
(LEGAL)

<b>Principal</b>	A board, by local policy, shall adopt qualifications for principals. <i>Education Code 11.202(c)</i>
Qualifications	
Certification	State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. <i>19 TAC Ch. 241</i>
Duties	<p>The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. <i>Education Code 11.202(a)</i></p> <p>A principal shall:</p> <ol style="list-style-type: none"><li>1. Approve all teacher and staff appointments for the campus. [See DK]</li><li>2. Set specific education objectives for the campus, through the planning process.</li><li>3. Develop budgets for the campus.</li><li>4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.</li><li>5. Assign, evaluate, and promote all personnel assigned to the campus.</li><li>6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.</li><li>7. Perform any other duties assigned by the superintendent pursuant to board policy.</li><li>8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]</li><li>9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]</li><li>10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. <i>Election Code 13.046; 1 TAC 81.7</i></li></ol> <p><i>Education Code 11.202(b), .253(c), (h)</i> [See also DMA]</p>
Principal's Report to Superintendent	A principal must notify the superintendent not later than the seventh business day after the date:
<i>Educators</i>	<ol style="list-style-type: none"><li>1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or</li></ol>

PERSONNEL POSITIONS

DP  
(LEGAL)

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*

PERSONNEL POSITIONS

DP  
(LEGAL)

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*

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**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).

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**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*



PERSONNEL POSITIONS

DP  
(LEGAL)

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**Note:** Education Code 33.006 applies to all districts that employ school counselors.

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School Counselor  
Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
  - a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
  - b. In need of modified instructional strategies; or
  - c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

School Counselor  
Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time

PERSONNEL POSITIONS

DP  
(LEGAL)

on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

*Exception*

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

*Counselor  
Contracts*

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy as required above.

*Annual  
Assessment*

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to the Texas Education Agency (TEA) on or before the date specified by the commissioner.

*Education Code 33.006*

PERSONNEL POSITIONS

DP  
(LEGAL)

**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*

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**Note:** For information about mental health treatment, including counseling, see FFEA.

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**School  
Psychological  
Services**

The Texas Behavioral Health Executive Council (TBHEC) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas, the TBHEC adopts and enforces rules establishing multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas. Incorporating these factors allow for rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

Licensed Specialist  
in School  
Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2)*

School psychological services may be provided in Texas public schools only by LSSPs and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;

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DP  
(LEGAL)

2. Conducting manifestation determinations;
3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

*22 TAC 465.38(b), (c)*

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of  
Assignment or  
Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with  
Applicable  
Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

*22 TAC 465.38 (f)*



**Please Note:** This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

## SECTION E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials
EFB	Library Materials
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EBBAB	ARD Committee and Individualized Education Program
EBBAC	Students in Non-District Placement
EBBAD	Transition Services
EBBAE	Procedural Requirements
EBBAF	Video/Audio Monitoring
EBBB	Gifted and Talented Students
EBBC	Compensatory/Accelerated Services
EBBD	Federal Title I
EBBE	Bilingual Education/ESL
EBBF	Career and Technical Education
EBBG	Prekindergarten
EBBH	Other Special Populations

**Please Note:** This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

## SECTION E: INSTRUCTION

EHBI	Adult and Community Education
EHBJ	Innovative and Magnet Programs
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHBM	Travel Study
EHBN	Honors
EHD	Alternative Methods for Earning Credit
EHDA	Summer School
EHDB	Credit by Examination with Prior Instruction
EHDC	Credit by Examination without Prior Instruction
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EHDF	Local Remote Learning Program

EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation

EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	English Learners/Emergent Bilingual Students
EKC	Reading Assessment
EKD	Mathematics Assessment

EL	CAMPUS OR PROGRAM CHARTERS
ELA	Partnership Charters

EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

**School Library**

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library  
Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

*Bd. of Educ. v. Pico*, 457 U.S. 853 (1982)

**Instructional  
Materials**

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

*Taking Home  
Materials*

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

*Students Without  
Reliable Access  
to Technology*

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a



INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

*Learning  
Management  
System or Online  
Portal*

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

*Education Code 26.006*

**Information  
Collection and  
Access**

*U.S. ED–Funded  
Surveys*

*Consent  
Required*

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (ED), to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at Protected Information, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 1232h(b)*

*Parental  
Inspection*

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. ED shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

*Information  
Collection Funded  
by Other Sources*

*Policies*

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under Protected Information, below, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

4. The administration of physical examinations or screenings that a district may administer to the student.
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.
6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

*Parental  
Notification*

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at Protected Information, below.

INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

*20 U.S.C. 1232h(c)(1)–(4) [See FFAA]*

Protected  
Information

Protected information addressed by 20 U.S.C. 1232h includes:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

*20 U.S.C. 1232h(b), (c)(1)(B)*

"Personal  
Information"  
Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

*20 U.S.C. 1232h(c)(6)(E)*

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

**Purpose**

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

*Education Code 28.002(h), (h-6)*

**Required Curriculum**

Foundation  
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

*Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)*

Enrichment  
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
  - a. Physical health, including the importance of proper nutrition and exercise;
  - b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
  - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

*Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)*

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

*Education Code 28.002(z)*

Positive Character  
Traits

Beginning with the 2021–22 school year, districts are required to provide instruction in the essential knowledge and skills for positive character traits outlined in 19 Administrative Code Chapter 120, Subchapter A at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

*19 TAC 120.1*

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

**Local Instructional Plan**

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

*Education Code 28.002(g)*

**Common Core State Standards**

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

**Scope and Sequence**

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

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**Coordinated Health Programs**

TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

*Education Code 38.013; 19 TAC 102.1031(a)*

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

**Physical Education**

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and

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3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher  
Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

*Education Code 25.114, 28.002(d); 19 TAC 74.37*

Classification for  
Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
  - a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
  - b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

*19 TAC 74.31*



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**School Health  
Advisory Council**

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
  - a. Health education in kindergarten through grade 8; and
  - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
  - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
  - b. Physical education and physical activity;
  - c. Nutrition services;
  - d. Parental involvement;
  - e. Instruction on substance abuse prevention;
  - f. School health services, including mental health services;
  - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - h. A safe and healthy school environment; and
  - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

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- a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
  - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - c. A safe and healthy school environment; and
  - d. School employee wellness;
5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
6. Strategies to increase parental awareness regarding:
  - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
  - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.
7. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the State Board of Education.

*Education Code 28.004(c), (n)*

Policy  
Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students.

*Education Code 28.004(l)*

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	<p>The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. <i>Education Code 28.004(o)</i></p>
<b>Complaints</b>	<p>A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. <i>Education Code 28.004(i-1)</i></p>
<b>Human Sexuality Instruction</b>	<p>“Human sexuality instruction,” “instruction in human sexuality,” and “instruction relating to human sexuality” include instruction in reproductive health.</p>
Definitions	<p>“Curriculum materials” includes the curriculum, teacher training materials, and any other materials used in providing instruction.</p> <p><i>Education Code 28.004(p)</i></p>
Board Selection	<p>The board shall determine the specific content of a district’s instruction in human sexuality. <i>Education Code 28.004(h)</i></p> <p>The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:</p> <ol style="list-style-type: none"><li>1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;</li><li>2. Devote more attention to abstinence than to any other behavior;</li><li>3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;</li><li>4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and</li><li>5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.</li></ol> <p><i>Education Code 28.004(e)</i></p>
Notice to Parents	<p>Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board’s deci-</p>

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sion regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A statement informing the parent of the human sexuality instruction requirements under state law;
2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
3. A statement of the parent's right to:
  - a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
  - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

*Education Code 28.004(i)*

Parent Consent  
Before Instruction

Before a student may be provided with human sexuality instruction, a district must obtain the written consent of the student's parent. A request for written consent may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Education Code 28.004(i), described above, and must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The requirements in this paragraph expire August 1, 2024. *Education Code 28.004(i-2)–(i-3)*

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

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- Separate Classes      If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX.]
- Adoption of  
Instructional  
Materials      The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:
1.    The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
  2.    The local SHAC to:
    - a.    After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
    - b.    Provide the adopted recommendations to the board at a public meeting of the board; and
  3.    The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.
- Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:
1.    Based on the advice of the local SHAC;
  2.    Suitable for the subject and grade level for which the curriculum materials are intended; and
  3.    Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

*Education Code 28.004(e)–(e-1), (e-3)*

**Abuse Prevention  
Instruction**

Adoption of  
Instructional  
Materials

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1.    The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;

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2. The SHAC to:
  - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
  - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the State Board of Education.

*Education Code 28.004(q)–(q-1), (q-3)–(q-4)*

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
3. A statement of the parent's right to:

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- a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];
  - b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and
  5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

Parent Consent  
Before Instruction

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and
2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

*Education Code 28.004(q-5)–(q-6)*

**Availability of  
Materials for Human  
Sexuality Instruction  
and Abuse Prevention  
Instruction**

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

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A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:
  - a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and
  - b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and
2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:
  - a. Review the curriculum materials at the student's campus at any time during regular business hours;
  - b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or
  - c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

*Education Code 28.004(e-2), (j)–(j-2), (q-2)*



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**Character Education** A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

*Education Code 29.906*

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(LOCAL)

**Human Sexuality  
Instruction**

The following process shall apply regarding the adoption of curriculum materials for the District's human sexuality instruction:

1. The Board shall adopt a resolution convening the District's school health advisory council (SHAC) to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.
3. The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject and grade level for which the materials are intended, and be reviewed by academic experts in the subject and grade level for which the materials are intended.
4. The SHAC shall present its recommendations to the Board at a public meeting.
5. After the Board ensures the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting.

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

The following process shall apply regarding the adoption of curriculum materials for the District's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking:

1. The Board shall adopt a resolution convening the District's SHAC to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.
3. The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject and grade level for which the materials are intended, and be reviewed by academic experts in the subject and grade level for which the materials are intended.
4. The SHAC shall present its recommendations to the Board at a public meeting.
5. After the Board ensures the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting.



In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.



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**Identification**

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

*20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)*

*Private School  
Students*

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

*20 U.S.C. 1412(a)(10)(A)(ii)–(iv)* [See EHBAC regarding students in nondistrict placement.]

*Preschool  
Students*

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

**Requests and  
Referrals for  
Evaluation**

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to  
Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

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specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

*19 TAC 89.1011(a)*

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

*19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301*

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation  
Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

*Consent for Initial  
Evaluation*

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

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Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

*20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)*

Wards of the  
State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

*20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)*

*Time Frame for  
Completion of  
Written Report*

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later



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than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

"School day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer  
Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

*20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011*

*Psychological  
Examinations*

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

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shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

*Education Code 29.0041*

**Eligibility and  
Reevaluations**

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

*20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035*

**Disability Definitions**

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

**Visual and Auditory  
Impairments**

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

**Determination of  
Initial Eligibility**

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

*20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)*

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion

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of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

*19 TAC 89.1011(d), (e)*

Consent for  
Services

*Initial Provision of  
Services*

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

*Revoking  
Consent*

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

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4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

*34 C.F.R. 300.300(b)*

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and
2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

*20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303*

Evaluation for  
Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

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Independent  
Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

*At Public  
Expense*

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

*At Private  
Expense*

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

*34 C.F.R. 300.502*

**Prescription  
Medication**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

*20 U.S.C. 1412(a)(25)*

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When a student transitions from early childhood intervention (ECI) to early childhood special education (ECSE) services, the District shall develop and implement an individualized education program (IEP) by the child's third birthday.



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**Admission, Review,  
and Dismissal  
Committee**

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

*19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)*

**Committee  
Members**

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;



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9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;
10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;
11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
12. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
13. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.18 and 300.156.

*19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321;*

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)*

*Regular  
Education  
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

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*Parent  
Involvement*

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

*34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)*

*Alternative  
Means of  
Meeting  
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district

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personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)*

*Meeting at  
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

**Transfer Students**

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The timeline for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from  
Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Administrative Code 89.1011(c) and (e). The timeline for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of

the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

A student with a disability who has an IEP in place from a previous in- or out-of-state district and who enrolls in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

*19 TAC 89.1050(j)*

**Transfer of Records**

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

*20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)*

**Students Who Are Homeless or in Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

*19 TAC 89.1615*

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**Military Dependents**

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

**Individualized  
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state

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or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];
13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
14. The date of the meeting;
15. The name, position, and signature of each member participating in the meeting; and
16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

*20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055*

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

IEP Supplement

For each child who was enrolled in a district's special education program during the 2019–20 school year or the 2020–21 school year, the district shall prepare a supplement to be included with the written statement of the IEP. For more information about the re-

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quired supplement, see Education Code 29.0052 and the commissioner rules, when adopted. This requirement expires September 1, 2023. *Education Code 29.0052*

Supplemental  
Special Education  
Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and
2. Instructions regarding accessing the account.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

*Education Code 29.048*

A district shall notify parents and guardians of students served by special education of the SSES program and how to apply.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

*19 TAC 102.1601(i)-(j)*

Behavioral  
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the committee shall review the plan at least annually and more frequently if appropriate to address the safety of the student or others or changes in a student's circumstances that may impact the student's behavior, such as:

1. The placement of the student in a different educational setting;

2. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
3. A pattern of unexcused absences; or
4. An unauthorized unsupervised departure from an educational setting.

*Education Code 29.005(h)*

Translation of IEP  
into Native  
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language.

*Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

*19 TAC 89.1050(i)*



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Autism/Pervasive  
Developmental  
Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)–(f)*

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*Visual  
Impairment*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

*Collaborative  
Process*

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

*Ten-Day Recess*

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

*Failure to Reach  
Agreement*

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each

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member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

*Education Code 29.005(c); 19 TAC 89.1050(g)*

**Modification of  
Existing IEP**

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

*20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)*

**Teacher Access to  
IEP**

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to  
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

*Education Code 29.001(11); 19 TAC 89.1075(d)*

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**Private School—  
District Placed**

Student Receives  
IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

**Private School—  
Parent Placed**

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE  
Rejected

*Student Receives  
ISP*

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but  
Not Provided

*Reimbursement*

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at *34 C.F.R. 300.148(d)*. *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

**Home School  
Students**

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

**Individualized  
Services Plan (ISP)**

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

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public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

*34 C.F.R. 300.137, .138*

**Dual Enrollment**

Parents shall have the right to “dual enroll” an eligible student age three or four in both the public school and a private school beginning on the student’s third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district’s kindergarten program, whichever comes first, subject to the following:

1. The student’s ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

*19 TAC 89.1096(c)*

**Responsible District**

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

*19 TAC 89.1096(c), (d)*

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**Transportation**

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

**District Charter Schools**

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

**Residential Facilities**

Identification of  
Students

If a residential facility that is licensed by appropriate state agencies is located within the district's boundaries, the district must provide special education and related services to eligible students residing in the facility.

If, after contacting the facility to offer services to eligible students with disabilities, a district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, a district shall annually contact the facility to offer services to eligible students with disabilities.

*19 TAC 89.1001(c)*

District Placements

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.1092*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

*Additional  
Placement  
Requirements*

A district shall have the responsibilities set forth at 19 Administrative Code 89.1092(a)(4) regarding students in residential placements. A district must contract with residential placements in accordance with 19 Administrative Code 89.1092.

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Notification

Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, a district must electronically submit to TEA notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(b)*

**School for the Blind and Visually Impaired and School for the Deaf**

A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.

Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. The student's rights to admission and to appeal admission decisions.

*Education Code 30.003(a), .004(a); 19 TAC 89.62*

A district may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 Administrative Code 89.1085. *19 TAC 89.1085*

**Adult Prisons**

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;
2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

*20 U.S.C. 1414(d)(7)*

SPECIAL PROGRAMS  
GIFTED AND TALENTED STUDENTS

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<b>Referral</b>	Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.
Screening and Identification Process	<p>The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.</p> <p>The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the assessment procedures and services for the program prior to beginning the screening and identification process.</p>
Parental Consent	The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.
<b>Identification Criteria</b>	The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.
<b>Assessments</b>	Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.
<b>Selection</b>	A selection committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.
<b>Notification</b>	The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.



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GIFTED AND TALENTED STUDENTS

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<b>Reassessment</b>	If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.
<b>Transfer Students</b> Interdistrict	<p>When a student identified as gifted by a previous school district enrolls in the District, the selection committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.</p> <p>[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]</p>
Intradistrict	A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.
<b>Furloughs</b>	<p>The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.</p> <p>In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.</p>
<b>Exit Provisions</b>	The District shall monitor student performance in response to gifted and talented program services. If at any time the selection committee or a parent determines it is in the best interest of the student to exit the program, the committee shall meet with the parent and student before finalizing an exit decision.
<b>Appeals</b>	A parent, student, or educator may appeal any final decision of the selection committee regarding selection for or exit from the gifted and talented program. Appeals shall be made first to the selection committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.
<b>Program Evaluation</b>	The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

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administrators, teachers, school counselors, students in the gifted and talented program, and the community.

**Funding**

The District's gifted and talented program shall address effective use of funds for programs and services consistent with the standards in the state plan for gifted and talented students.

**Community  
Awareness**

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.



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**Compensatory  
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.  
*Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
  - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
  - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

*Education Code 48.104(k)*

Dropout Prevention  
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;

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2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:
  - a. High-quality, college readiness instruction with strong academic and social supports;
  - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
  - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

*Education Code 29.918*

Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. *19 TAC 109.25(a)*

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see Definition of At-Risk Student, below]. *19 TAC 109.25(b)*

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**Educationally  
Disadvantaged  
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

*19 TAC 61.1027(a)*

Virtual School  
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

**Definition of At-Risk  
Student**

"Student at risk of dropping out of school" includes each student who is under 26 years of age and who:

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;



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3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is an emergent bilingual student, as defined by Section 29.052;
11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07; or
15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

*Education Code 29.081(d)(1)*

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	Regardless of the student's age, a student who participates in an adult education program provided under the adult high school charter school program is considered a "student at risk of dropping out of high school." <i>Education Code 29.081(d)(2)</i>
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. <i>Education Code 29.081(g)</i>
<b>Designing and Implementing Services</b>	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. <i>Education Code 29.081(a)</i>
<b>Services After Unsatisfactory Performance on State Assessments</b>	A district shall establish an accelerated learning committee for each student who does not perform satisfactorily on the following state assessment instruments [see EKB]:
Accelerated Learning Committee	<ol style="list-style-type: none"><li>1. The third grade mathematics or reading assessment;</li><li>2. The fifth grade mathematics or reading assessment; or</li><li>3. The eighth grade mathematics or reading assessment.</li></ol> <i>Education Code 28.0211(a)</i>
<i>Composition</i>	The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee. <i>Education Code 28.0211(c)</i>
<i>Educational Plan</i>	An accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The educational plan must be documented in writing, and a copy must be provided to the student's parent or guardian.  During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the educational

plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an educational plan.

*Education Code 28.0211(f)–(f-3)*

*Failure in a  
Subsequent  
School Year*

If a student who fails to perform satisfactorily on the third, fifth, or eighth grade math or reading assessment fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

1. Identify the reason the student did not perform satisfactorily; and
2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student and any additional resources are required for that student.

The superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's accelerated learning committee.

*Education Code 28.0211(f-4)–(f-5)*

*ARD Meeting*

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a third, fifth, or eighth grade math or reading assessment must meet to determine the manner in which the student will participate in an accelerated instruction program. *Education Code 28.0211(i)*

*Parent Request*

Each district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5)*

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*Classroom  
Assignment*

A student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on the applicable assessment instrument to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

*Education Code 28.0211(n)–(n-1)*

*Accelerated  
Instruction*

Each time a student fails to perform satisfactorily on a state assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see below].

*Participation  
Requirements*

Accelerated instruction provided during the following school year may require participation of the student before or after normal school hours.

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 [see EHA series] for the grade level in which the student is enrolled; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

*Supplemental  
Instruction  
Requirements*

If a district receives funding under Education Code 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue

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Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

*Education Code 28.0211(a-1)–(a-4)*

*Transportation*

A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

Notice to Parents of  
Performance and  
Accelerated  
Instruction

Whenever a district is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the district shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language. *Education Code 28.0211(h)*

Assessments Not  
Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an

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assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

*Education Code 28.0211(o)–(p)*

Accelerated  
Instruction After  
EOC Assessments

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course (EOC) assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

*Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)*

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations and must comply with the requirements for accelerated instruction provided under Education Code 28.0211 [see above].

*Education Code 28.0217*

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<i>Effectiveness</i>	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. <i>Education Code 29.081(c)</i>
<b>Dropout Recovery Education Programs</b>	<p>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).</p> <p>Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.</p> <p><i>Education Code 29.081(e)–(f)</i></p>
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. <i>Education Code 33.157</i>
<b>Optional Extended Year Program</b>	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. <i>Education Code 29.082(a); 19 TAC 105.1001</i>
<b>Optional Flexible Year Program</b>	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. <i>Education Code 29.0821; 19 TAC 129.1029</i>
<b>Optional Flexible School Day Program</b>	<p>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:</p> <ol style="list-style-type: none"><li>1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;</li></ol>

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2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

*Education Code 29.0822*

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

*19 TAC 129.1027(c)*

**Tutorial Services**

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

*Education Code 29.084*

**Basic Skills  
Programs**

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

*Education Code 29.086(a)*

**After-School and  
Summer Intensive  
Mathematics and  
Science Programs**

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:



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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.

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A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

*Education Code 28.006(g), (g-1)*

**Intensive Program of Instruction**

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
  - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
  - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving  
Special Education  
Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Graduation  
Requirements

A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

No Cause of Action

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

*Education Code 28.0213*

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**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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**Distance Learning  
and Correspondence  
Courses**

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.
2. Students may earn course credit through distance learning technologies such as satellite, internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TXVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

*19 TAC 74.23*

**Texas Virtual School  
Network**

The TXVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TXVSN is a partnership network administered by TEA in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.

The TXVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

*19 TAC 70.1001(4)*

**Online School  
(OLS) Program**

“Online School (OLS) program” is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3–12 who are not physically present at school. *19 TAC 70.1001(7)*

A TXVSN OLS may serve students in grades 3–12 but may not serve students in kindergarten–grade 2.

A school district that operates a TXVSN OLS that serves students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TXVSN OLS or a school district wishing to add additional grade levels to its online program shall certify that the OLS has courses sufficient to comprise a full instructional program for each additional grade level to be served by the OLS prior to serving that grade level.

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School districts approved to serve as TXVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TXVSN OLS students.

School districts serving as TXVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

*19 TAC 70.1011*

Statewide Course  
Catalog

“Statewide course catalog” is a supplemental online high school instructional program available through approved providers. *19 TAC 70.1001(10)*

Course Providers

A TXVSN course provider is an entity that provides an electronic course through the TXVSN. Course providers include TXVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

*Electronic Course*

“Electronic course” means an educational course in which:

1. Instruction and content are delivered primarily over the internet;
2. A student and teacher are in different locations for a majority of the student’s instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

*Education Code 30A.001(4); 19 TAC 70.1001(1)*

*OLS Eligibility*

To be eligible to serve as a TXVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (Accreditation Status);
2. Be rated acceptable under Education Code 39.054;

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3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1001 (Types of Financial Accountability Ratings);
4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance;
5. Be in good standing with other programs, grants, and projects administered through TEA; and
6. Have been approved to operate a TXVSN OLS as of January 1, 2013.

*19 TAC 70.1009(a)*

*Statewide Course  
Catalog Provider  
Eligibility*

To be eligible to serve as a course provider in the TXVSN statewide course catalog, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TXVSN to a student enrolled in that district or school, a student enrolled in another school district or school in the state, or a student who resides in Texas who is enrolled in a school other than a public school district or charter school. *19 TAC 70.1007(a)*

*General  
Requirements*

TXVSN course providers shall:

1. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance in the course at least once every 12 weeks;
2. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the TXVSN course provider;
3. Notify students in writing upon enrollment to participate in the TXVSN course with specific dates and details regarding enrollment;
4. Meet all federal and state requirements for educating students with disabilities;
5. Provide a contingency plan for the continuation of instructional services to all TXVSN students allowing them to complete their TXVSN courses in the event that the contract or agreement through which the electronic courses are provided



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are terminated or the TXVSN courses become unavailable to students;

6. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less; and
7. Meet all reporting requirements established by TXVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TXVSN Informed Choice Report required under 19 Administrative Code 70.1031 (Informed Choice Reports).

*19 TAC 70.1007(c)*

*Receiver District  
Requirements*

A district is eligible to serve as a receiver district in the TXVSN statewide course catalog. Each TXVSN receiver district shall:

1. Register as a receiver district with TXVSN central operations;
2. Assign a qualified staff member to serve as the TXVSN coordinator;
3. Enroll a student who resides in Texas and who is enrolled in a school other than a public school district or charter school upon request by the student and/or parent or guardian; and
4. In accordance with 19 Administrative Code 74.26 (Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a course offered through the TXVSN statewide course catalog.

*19 TAC 70.1008*

*Courses*

All electronic courses to be made available through the TXVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. *19 TAC 70.1005(a)*

An electronic course or program that was offered or could have been offered during the 2008–09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the TXVSN. *Education Code 30A.006*

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Student Eligibility <i>Generally</i>	<p>A student is eligible to enroll in a TXVSN course only if the student:</p> <ol style="list-style-type: none"><li>1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;</li><li>2. Has not graduated from high school; and</li><li>3. Is otherwise eligible to enroll in a public school in this state.</li></ol> <p>A student is eligible to enroll full-time in courses provided through the TXVSN only if:</p> <ol style="list-style-type: none"><li>1. The student was enrolled in a public school in this state in the preceding school year;</li><li>2. The student is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or</li><li>3. The student has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.</li></ol>
Exception for Military Dependents	<p>A student is eligible to enroll in one or more TXVSN courses or enroll full-time in courses provided through the network if the student:</p> <ol style="list-style-type: none"><li>1. Is a dependent of a member of the United States military;</li><li>2. Was previously enrolled in high school in this state; and</li><li>3. No longer resides in this state as a result of a military deployment or transfer.</li></ol>
Provisional Enrollment	<p>If a student has not provided required evidence of eligibility to enroll, a TXVSN OLS may enroll a student provisionally for ten school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within ten school days of the provisional enrollment.</p> <p>Upon enrolling a student provisionally, the TXVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.</p> <p><i>Education Code 30A.002; 19 TAC 70.1013</i></p>
<i>Enrolled Students</i>	<p>A student who is enrolled in the district as a full-time student may take one or more electronic courses through the TXVSN. <i>Education Code 30A.107(b)</i></p>

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*Unenrolled  
Students*

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TXVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TXVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

*Education Code 30A.107(c)*

*Enrollment,  
Advancement,  
and Withdrawal*

A student taking a course through the TXVSN statewide course catalog or a TXVSN OLS program is considered to:

1. Be enrolled in a TXVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TXVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and earns credit for the course, as determined by the TXVSN teacher; and
3. Be, and must be reported as, withdrawn from the TXVSN when the student is no longer actively participating in the TXVSN course or program.

A student taking a course through the TXVSN statewide course catalog:

1. Shall enroll in each TXVSN course through the TXVSN online registration system;
2. Shall be assigned a grade by the TXVSN teacher after the drop period established by TXVSN central operations;

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3. May withdraw from a course taken through the TXVSN after the instructional start date without academic or financial penalty within the drop period established by TXVSN central operations; and
4. Shall have the grade assigned by the TXVSN teacher added to the student's transcript by the student's home district.

A student enrolled full time in grades 3–8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TXVSN teacher for the educational program.

*19 TAC 70.1015*

*Compulsory  
Attendance*

Texas public school students are not required to be in physical attendance while participating in courses through a TXVSN OLS or the TXVSN course catalog.

Based upon successful completion of a TXVSN course for students in grades 9–12 or a TXVSN OLS instructional program for students in grades 3–8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TXVSN course providers and TXVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TXVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TXVSN statewide course catalog.

*19 TAC 70.1001(9), .1017*

*Local Policy*

A district shall adopt a written policy that provides students enrolled in the district with the opportunity to enroll in electronic courses provided through the TXVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

A district shall, at least once per school year, send to a parent of each district student enrolled at the middle or high school level a copy of the policy. A district may send the policy with any other information that the district sends to a parent.

*Education Code 30A.007; 19 TAC 70.1033*

*Notice*

At the time and in the manner that a district informs students and parents about courses that are offered in the district's traditional

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classroom setting, the district shall notify parents and students of the option to enroll in an electronic course offered through the TXVSN.

*Requests to  
Enroll*

Except as provided below, a district may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TXVSN.

A district may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course; or
3. The district offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TXVSN course, a district has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

*Appeals*

A parent may appeal to the commissioner a district's decision to deny a request to enroll a student in an electronic course offered through the TXVSN. The commissioner's decision under this subsection is final and may not be appealed.

*Education Code 26.0031; 19 TAC 70.1008, .1035*

*Students with  
Disabilities*

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

*Required  
Enrollment  
Prohibited*

A school district or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

Inducements for Enrollment Prohibited	<p>A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TXVSN. The commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The commissioner's action under this section is final and may not be appealed. <i>Education Code 30A.1052</i></p>
Course Portability	<p>A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. <i>Education Code 30A.1051; 19 TAC 70.1015(d)</i></p>
Student Assessment	<p>All Texas public school students enrolled in the TXVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.</p> <p>A district shall report to the commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TXVSN separately from the results of assessment instruments administered to other students.</p> <p>All districts participating in the TXVSN OLS program are included in the state's academic accountability system.</p> <p><i>Education Code 30A.110; 19 TAC 70.1023</i></p>
Funding	<p>A district in which a student is enrolled is entitled to funding under Education Code Chapter 48 for the student's enrollment in a TXVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.</p> <p>Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013.</p> <p><i>Education Code 30A.153</i></p> <p>A district may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the district declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. <i>Education Code 26.0031(c-1)</i></p>

ALTERNATIVE METHODS FOR EARNING CREDIT  
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Course Cost

A district may charge the course cost for enrollment in a TXVSN course to a student who resides in this state and:

1. Is enrolled in the district as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or
2. Elects to enroll in a TXVSN course for which the district in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

A district may charge the course cost for enrollment in a TXVSN course during the summer.

A district shall charge the course cost for enrollment in a TXVSN course to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TXVSN course cost may not exceed the lesser of the cost of providing the course or \$400.

A district may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TXVSN at the student's expense.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed \$50, if the student enrolls in a TXVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A course provider in the TXVSN statewide course catalog shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

*Education Code 30A.155(a)–(c-1); 19 TAC 70.1025*

Educators of  
Electronic Courses

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider.

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In addition, each instructor must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TXVSN central operations before teaching an electronic course offered through the TXVSN; or
2. Have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K–12 Learning (iNACOL) National Standards for Quality Online Teaching; or
3. Have two or more years of documented experience teaching online courses for students in grades 3–12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching.

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

TXVSN course providers shall affirm the preparedness of teachers of TXVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:
  - a. Valid Texas educator certification credentials appropriate for the instructor's TXVSN assignment;
  - b. Successful initial completion of TXVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
  - c. Instructors' demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TXVSN;
2. Conduct and maintain records for background checks;
3. Maintain records of successful completion of continuing professional development;
4. Maintain records documenting successful completion of TXVSN-approved professional development before the end of the school year for any instructor who is hired after the school year has begun; and



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5. Make the records specified in this subsection available to TEA and TXVSN central operations upon request.

*19 TAC 70.1027*

Revocation

The commissioner may revoke the right to participation in the TXVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;
2. Noncompliance with requirements and assurances outlined in the contractual agreements with TXVSN central operations and/or these provisions and Education Code Chapter 30A; or
3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

*19 TAC 70.1029*

Applicability

Unless a district chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of a school district or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by a district only to district students if the course is not provided as part of the TXVSN.

*Education Code 30A.004*

**Average Daily  
Attendance for  
Certain Programs**

A district may provide one or more off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction to students enrolled in the district who have reasonable access to in-person services at a district or school facility. Off-campus electronic instruction for a course or program provided under this provision may be provided synchronously or asynchronously. A student enrolled in a course or program provided under this provision shall be counted toward the district's average daily attendance in the same manner as other district students. The off-campus electronic instruction for a course or program provided under this provision shall be counted for average daily attendance (ADA) in accordance with Education 48.0071 and commissioner-adopted rule. *Education Code 48.0071(a)–(b)*

[For information regarding a local remote learning program, authorized by Education Code 29.9091, see EHDF.]

ALTERNATIVE METHODS FOR EARNING CREDIT  
LOCAL REMOTE LEARNING PROGRAM

EHDF  
(LEGAL)

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**Note:** The local remote learning program is a specially authorized program under the Education Code. The provisions below are set to expire on September 1, 2023. For information about other remote instruction, including the TxVSN and distance learning and correspondence courses, see EHDE.

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A district assigned an overall performance rating of C or higher under Education Code 39.054 [see AIA] for the preceding school year or the most recent school year in which a performance rating was assigned may operate a local remote learning program to offer virtual courses outside the state virtual school network to eligible students.

**District  
Requirements**

A district that operates a full-time local remote learning program must include in the program at least one grade level in which a state assessment instrument is required to be administered under Education Code 39.023(a), including each subject for which an assessment instrument is required or a complete high school program, including each course for which an end-of-course assessment instrument is required to be administered under Education Code 39.023(c) [see EKB].

The district must offer the option for a student's parent or person standing in parental relation to select in-person instruction for the student.

**Type of Instruction**

A virtual course offered under a local remote learning program may be provided through synchronous instruction, asynchronous instruction, or a combination of synchronous and asynchronous instruction; and may be provided in combination with in-person instruction as appropriate to meet the needs of individual students.

**Student Eligibility**

A student is eligible to enroll in a virtual course offered under a local remote learning program if the student is enrolled in a district, has reasonable access to in-person services for the course at a district facility, and meets any additional criteria, including minimum academic standards, established by the district in which the student is enrolled.

**Student Performance  
and Attendance**

A district that operates a local remote learning program shall periodically assess the performance of students enrolled in virtual courses under the program.

A district that operates a local remote learning program may not count a student for purposes of calculating the district's average

ALTERNATIVE METHODS FOR EARNING CREDIT  
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daily attendance if the student has ten or more unexcused absences in the program in a six-month period.

*Education Code 29.9091(a)–(e)(1), (e)(3)*

**Returning a Student to In-Person Instruction**

A district that operates a local remote learning program may remove a student from virtual courses under the program and return the student to in-person instruction if the district determines that the student does not meet the criteria described at Student Eligibility, above.

A district may remove a student from virtual courses only if the district establishes a process to ensure that each student and the student's parent or person standing in parental relation have sufficient notice and opportunity to provide input before the student is removed from those courses.

*Education Code 29.9091(e)(2), (f)*

**Contract with a District**

A district may contract with another district or open-enrollment charter school to allow a student enrolled in the sending district to enroll in virtual courses offered under the local remote learning program of the receiving district. A student enrolled in virtual courses under an agreement described by this provision is considered enrolled in the sending district for purposes of average daily attendance [see FEB] and accountability under Chapters 39 and 39A [see AIB].

**State Assessment**

A state assessment instrument administered under Education Code 39.023 or 39.025 [see EKB] to a student enrolled in a virtual course offered under a local remote learning program shall be administered to the student in the same manner in which the assessment instrument is administered to other district students.

**Special Education**

If a district offers virtual courses under a local remote learning program for students receiving special education services, the courses must meet the needs of a participating student in a manner consistent with Education Code Chapter 29, Subchapter A (special education program) and with federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

**Teacher Requirements**

A teacher may not provide instruction for a virtual course offered under a full-time local remote learning program unless the teacher has completed a professional development course on virtual instruction.

ALTERNATIVE METHODS FOR EARNING CREDIT  
LOCAL REMOTE LEARNING PROGRAM

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A district may not directly or indirectly coerce any teacher to agree to an assignment to teach a full-time local remote learning program.

A district may not require a teacher to provide both virtual instruction and in-person instruction for a course during the same class period. The commissioner may waive this requirement for courses included in the enrichment curriculum under Education Code 28.002 [see EHAA].

**Extracurricular  
Activities**

A student enrolled in a virtual course offered under a local remote learning program may participate in an extracurricular activity sponsored or sanctioned by the district in which the student is enrolled or by the University Interscholastic League in the same manner as other district students.

**Attendance  
Accounting**

A student enrolled in a virtual course offered under a local remote learning program shall be counted toward the district's average daily attendance in the same manner as other district students, unless the student has ten or more unexcused absences in the program in a six-month period. The commissioner shall adopt rules providing for a method of taking attendance, once each school day, for students enrolled in a virtual course offered under a local remote learning program.

*Education Code 29.9091(g)–(n)*

Except for students enrolled in programs or courses offered under Education Code Chapter 30A (Texas Virtual School Network) or Education Code 48.053 (allotment for certain special purpose districts), a district may not count for purposes of calculating the district's average daily attendance a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year if the student:

1. Did not achieve satisfactory performance or higher or the equivalent in the preceding school year on:
  - a. Each state assessment instrument administered to the student under Education Code 39.023 or 39.025; or
  - b. If the student was not administered a required state assessment instrument during the preceding school year, an assessment instrument designed to show grade-level proficiency in the essential knowledge and skills identified under Education Code 28.002 by the State Board of Education for the student's grade level;

ALTERNATIVE METHODS FOR EARNING CREDIT  
LOCAL REMOTE LEARNING PROGRAM

EHDF  
(LEGAL)

2. Had a number of unexcused absences that exceeds ten percent of the number of instructional days in the preceding school year; or
3. Did not earn a grade of C or higher or the equivalent in each of the foundation curriculum courses taken virtually or remotely in the preceding school year.

*Education Code 48.005(m-1)*

**TXVSN**

Education Code Chapter 30A (Texas Virtual School Network) does not apply to a virtual course offered under a local remote learning program. Education Code 29.9091 does not prohibit a student enrolled in a district that operates a local remote learning program from enrolling in courses offered through the state virtual school network. *Education Code 29.9091(o)–(p)*

**Enrollment Cap**

A district that operates a local remote learning program may not enroll in the program a number of students that exceeds ten percent of the total number of students enrolled in the district during the 2021–22 school year. The commissioner may waive this provision on application by a district in response to a public health emergency.

In calculating the number of students that may be enrolled in a local remote learning program, a district shall count students who spend at least half of the student's instructional time during the 2021–22 school year or 2022–23 school year, as applicable, enrolled in virtual courses or receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network, including students enrolled in virtual courses or who received remote instruction during the 2021–22 school year or 2022–23 school year, as applicable, because the student was:

1. Medically fragile;
2. Placed in a virtual setting by an admission, review, and dismissal committee; or
3. Receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

*Education Code 29.9091(q)–(r)*

**Program Evaluation**

In evaluating under Education Code 39.054 (state accountability) [see AIA], the commissioner shall assign the program separate overall and domain performance ratings in accordance with Education Code 39.0549. *Education Code 39.0549(a)*

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- High School Diploma** A student may graduate and receive a diploma only if the student:
1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
  2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]
- Education Code 28.025(c)*

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**Note:** Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

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**FAFSA Required**

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as provided below.

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner's rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

*Education Code 28.0256; 19 TAC 74.11(b)*

*Opt-Out Form*

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

*19 TAC 74.1023(c)*

*Notification*

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

*Proof of  
Submission*

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

*19 TAC 74.1023(e)*

*Information  
Submission and  
Confidentiality*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the



confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

*19 TAC 74.1023(f)–(g)*

Individual  
Graduation  
Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
  - a. The student's parent or person standing in parental relation to the student;
  - b. A designated advocate if the parent is unable to serve; or
  - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

*Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)*

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate  
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

*19 TAC 74.1025(c), (e), (g)–(i)*

*Notice*

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

*Curriculum  
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

*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

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

*19 TAC 74.1027(a); Education Code 28.02541*

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.
<i>Exception</i>	A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

*Education Code 28.0254*

Diplomas for  
Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

*Education Code 28.0251*

**Texas First Early  
High School  
Completion Program**

A district may issue a high school diploma to a student under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon  
Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

*Education Code 28.0253(e)–(g)*

**Personal Graduation  
Plan**

Junior High or  
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

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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**

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**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.

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**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];

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2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

*Education Code 28.025(c); 19 TAC 74.11(a), (d)*

*Foundation High  
School Program*

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

*19 TAC 74.12(a)–(b)*

*Endorsements*

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.



A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

*Education Code 28.025; 19 TAC 74.13*

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate

under the foundation high school program without earning an endorsement.

*19 TAC 74.11(e)*

*Distinguished  
Level of  
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(f)*

*Algebra II  
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

*Education Code 28.02123*

*Prerequisites*

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

*19 TAC 74.11(j)–(k)*

*Dual Credit  
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge

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and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

*Core Curriculum  
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

*19 TAC 74.11(o)*

*Languages Other  
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

*19 TAC 74.12(b)(5)*

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

*Physical  
Education  
Substitutions*

*Other Physical  
Activity*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and

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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

*Minimum High  
School Program*

All credit for graduation must be earned no later than grade 12. 19 TAC 74.61(b), .71(b)

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;

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	<ol style="list-style-type: none"><li>Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or</li><li>Has failed to be promoted to the tenth grade one or more times as determined by the school district.</li></ol>
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	<p>A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.</p> <p><i>19 TAC 74.61(c), (d), .71(c), (d)</i></p>
Requirements	<p>A student must earn at least 22 credits to complete the Minimum High School Program.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.</p> <p>A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
<i>Recommended High School Program</i>	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.</p> <p><i>Education Code 28.025; 19 TAC 74.63, .73</i></p>
<i>Advanced / Distinguished Achievement High School Program</i>	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. <i>Education Code 28.025; 19 TAC 74.64, .74</i></p>
<i>Substitutions</i>	<p>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. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i></p>
<i>AP or IB Courses</i>	<p>College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate</p>

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.



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- 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.

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<i>Student with Physical Limitations</i>	<p>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.</p> <p><i>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)</i></p>
<b>Transfers from Out-of-State or Nonpublic Schools</b>	<p>Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. <i>19 TAC 74.11(g)</i> [See EHDB, EHDC, EHDE, and EI]</p>
<b>Graduation of Students Receiving Special Education Services</b>	
Modified Curriculum and Content	<p>Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. <i>19 TAC 89.1070(k)</i></p>
Employability and Self-Help Skills	<p>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. <i>19 TAC 89.1070(i)</i></p>
Summary of Academic Achievement and Evaluation	<p>All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. <i>19 TAC 89.1070(g)–(h)</i></p>

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*Students  
Entering Grade 9  
in or After the  
2014–15 School  
Year*

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help

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skills that do not require direct ongoing educational support of the local school district.

- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

*19 TAC 89.1070(b), (j)*

*Endorsements*

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

- 1. Successfully completing, with or without modification of the curriculum:
  - a. The curriculum requirements identified by the SBOE for the foundation high school program; and
  - b. The additional endorsement curriculum requirements prescribed by the SBOE; and
- 2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:
  - a. Without modification of the curriculum; or
  - b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

*Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)*

*Students  
Entering Grade 9  
Before the 2014–  
15 School Year*

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

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**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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<b>Course Requirements</b>	To graduate, a student must complete the courses required by the District in addition to those mandated by the state.
<b>Foundation Program</b>	The courses that satisfy District requirements under the foundation program, including courses for the distinguished level of achievement and courses for endorsements offered by the District, shall be listed in appropriate District publications.
Without an Endorsement	The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program without an endorsement. Graduation under the foundation program without an endorsement shall be permitted only as authorized under state law and rules.
With an Endorsement	The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with an endorsement.
Distinguished Level of Achievement	The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with the distinguished level of achievement.
<b>Fine Arts Substitutions</b>	To the extent permitted by state rules, the District shall award state graduation credit in fine arts for participation in an approved community-based fine arts program.
<b>Community Service Requirement</b>	The District shall require completion of community service to satisfy graduation requirements.
<b>Physical Education Substitutions</b>	To the extent permitted by state rules, the District shall award state graduation credit in physical education for participation in approved activities and elective courses.
Activities and Courses	
Private or Commercial Programs	The District shall award state graduation credit in physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus, upon approval by the commissioner of education. [See also EHAC]
<b>Financial Aid Application Confirmation</b>	<p>As confirmation of a student's completion and submission of a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), the District shall accept the following:</p> <ol style="list-style-type: none"><li>1. A screenshot that includes the processed date field in ApplyTexas Counselor Suite FAFSA data;</li><li>2. Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;</li></ol>

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(LOCAL)

3. A copy or screenshot of the FAFSA acknowledgment page;
4. A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form);
5. An acknowledgment receipt from an institution of higher education (IHE); or
6. A copy of a financial aid award letter from an IHE.

[For students who choose not to complete and submit a FAFSA or a TASFA, see EIF(LEGAL).]

The District shall maintain individual student documentation of the financial aid application requirement as an education record. [See FL]

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**State Assessment of Academic Skills**

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

**Emergent Bilingual Students**

In grades 3–12, an emergent bilingual student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

**Special Education**

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

*Education Code 39.023(b)–(c), .025(a-4)*

**Military Dependents**

If the student is a military dependent, the district shall incorporate procedures to accept:

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1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute  
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII [See EIF]*

**Administration**

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

**Schedule**

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

*19 TAC 101.25*

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day

of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

*Alternate Test  
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

*19 TAC 101.5003*

**Test Administration  
Training**

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)–(b-2)*

**Notice to Parents  
and Students**

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

*19 TAC 101.3012*

**Testing in  
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (emergent bilingual students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

*Education Code 39.023(a)*

**Exception**

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

*Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)*

Kindergarten  
Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten  
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

*19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)*

**End-of-Course  
Assessments**

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

*Education Code 39.023(c)*

Students Enrolled  
Below High School  
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment  
Requirements for  
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

*Exceptions*

English I or  
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned  
Prior to  
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

*19 TAC 101.3021(e), .3022*

Substitute  
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional  
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSIA or TSIA2 as a substitute assessment.

Accountability  
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.



A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

*19 TAC 101.4002*

*Verification of  
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

*19 TAC 101.4005*

*Satisfactory  
Performance*

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

*Individual  
Graduation  
Committee*

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

*Special Education*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment

while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

*19 TAC 101.3022(f)*

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

*19 TAC 101.3023(a), (b)*

Credit by  
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State  
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to

retake the assessment if the student is required to retake the course.

*Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*

**Reporting Results**

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents,  
Students, and  
Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

*19 TAC 101.3014*

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-  
Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access

does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

**Out-of-State  
Transfers**

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

*19 TAC 101.3014*

**Accelerated  
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4). [See EHBC]

*Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction under Education Code 28.0217 in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

**College Readiness**

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
  - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or

- b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

*Faculty* Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

*Notice* Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

*Credit Earned* A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

*Dual Credit* A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

*Instructional Materials* Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

*Education Code 28.014*

**Security and  
Confidentiality**

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
  - a. Met the requirements to participate in the student assessment program;
  - b. Received training in test security and test administration procedures; and
  - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

*19 TAC 101.3031(a)(1)–(a)(2)*

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;

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5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d) (redesignated to Education Code 39.003), or appointment of a monitor, conservator, or management team

to the district in accordance with Education Code Chapter 39A.

Test Administration  
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

*19 TAC 101.3031(a-3)–(d)*

Disciplinary Action  
and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

*19 TAC 249.15(a)–(b), (g)*

**Minimize Disruptions**

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

**Confidentiality of  
Results**

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]





MISCELLANEOUS INSTRUCTIONAL POLICIES  
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB  
(LEGAL)

**Exemption from  
Instruction**

A parent or person standing in parental relation is entitled to remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

Limitations

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This provision does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the district and the Texas Education Agency (TEA).

*Education Code 26.002, .010*

**Instructional  
Requirements and  
Prohibitions**

The following provisions under Education Code 28.022(a) apply to any course or subject, including an innovative course, for a grade level from kindergarten through grade 12.

Controversial  
Topics

A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.

A teacher who chooses to discuss a topic described above shall explore that topic objectively and in a manner free from political bias.

*Education Code 28.0022(a)(1)–(a)(2)*

Political Activism  
and Advocacy  
Participation

A district or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

1. Work for, affiliation with, or service learning in association with any organization engaged in:
  - a. Lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or
  - b. Social policy advocacy or public policy advocacy;
2. Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
3. Participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

*Education Code 28.0022(a)(3)*

MISCELLANEOUS INSTRUCTIONAL POLICIES  
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EMB  
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The above provisions do not apply to a student's participation in:

1. Community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects;
2. An internship or practicum:
  - a. For which the student receives course credit under a career and technology education program or under the P-TECH program established under Education Code 29.553; and
  - b. That does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or
3. A program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy.

*Education Code 28.0022(b)*

Concepts Prohibited A teacher, administrator, or other employee of a district may not require or make part of a course inculcation in the concept that:

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
4. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
6. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
7. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

MISCELLANEOUS INSTRUCTIONAL POLICIES  
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB  
(LEGAL)

8. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a district may not teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed above.

A teacher, administrator, or other employee of a district may not require an understanding of The 1619 Project.

*Education Code 28.0022(a)(4)*

*Student  
Discussion*

A district may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described above in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity. *Education Code 28.0022(d)*

*Limitations on  
Statute*

Education Code 28.0022 may not be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Education Code Chapter 28, Subchapter A.

Education Code 28.0022 does not create a private cause of action against a teacher, administrator, or other employee of a district. A district may take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

Education Code 28.0022 may not be construed as prohibiting a teacher employed by a district from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

*Education Code 28.0022(e)–(g)*



ATTENDANCE  
ATTENDANCE FOR CREDIT

FEC  
(LEGAL)

**Absences  
Considered**

In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. *Atty. Gen. Op. JC-0398 (2001)*

**90 Percent Rule**

Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]

Serious or Life-  
Threatening Illness  
Exception

A student's excused absence resulting from a serious or life-threatening illness or related treatment [see FEA] may not be considered in determining whether the student has satisfied the attendance requirement under the 90 percent rule.

Local Remote  
Learning Program  
Exception

A district may adopt a policy to exempt students from the requirements of the 90 percent rule for one or more courses identified in the policy that are offered under a local remote learning program [see EHDF].

Principal's Plan

A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade without the consent of the judge presiding over the student's case.

**Extenuating  
Circumstances**

An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. A board shall establish guidelines for determining what constitutes extenuating circumstances.

A board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which a district may charge a fee. [See FP]

**Attendance  
Committee**

A board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final

grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.

**Appeal**

If the committee denies a student credit or a final grade, the student may appeal the decision to the board. A board's decision may be appealed to the district court of the county in which the district's central administrative office is located.

**Additional Duties**

A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

*Education Code 25.092*

CRISIS INTERVENTION  
TRAUMA-INFORMED CARE

FFBA  
(LOCAL)

**Trauma-Informed  
Care Program**

The District's trauma-informed care program, as included in the District improvement plan, shall provide for the integration of trauma-informed care practices in the school environment, including increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices and care by District and campus staff, and providing information about available counseling options for students affected by trauma or grief.

Training

The District shall provide training in trauma-informed care to District educators as required by law and the Board-approved District professional development plan. The District improvement plan shall specify required training for any other District employees as applicable.





**Policy and Program  
to Address Sexual  
Abuse, Trafficking,  
and Maltreatment**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

*19 TAC 61.1051(b)(3)*

**Definitions**

Child Abuse or  
Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a  
Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

*19 TAC 61.1051(a)*

**Duty to Report**

Report by Any  
Person

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any  
Professional

Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A “professional” is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers.

*Family Code 261.101(b)*

Abuse of Persons  
with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

*Human Resources Code 48.051, .052, .054*

Adult Victims of  
Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

**Restrictions on  
Reporting**

Psychotropic Drugs  
and Psychological  
Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

STUDENT WELFARE  
CHILD ABUSE AND NEGLECT

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(LEGAL)

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

*Education Code 26.0091; Family Code 261.111(a)* [See FFEB]

**Contents of Report**

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

*Family Code 261.102, .104*

**Abuse and Neglect  
Involving School  
Personnel and Those  
Responsible for Care**

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

*Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)*

"Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child's family or household as defined by Family Code Chapter 71;
3. A person with whom the child's parent cohabits;
4. School personnel or a volunteer at the child's school;

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5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42, Human Resources Code.

*Family Code 261.001(5)*

**Reporting Abuse,  
Neglect, or  
Exploitation in a  
JJAEP**

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**Confidentiality of  
Report**

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)–(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

**Immunity from  
Liability**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

**Criminal Offenses**

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

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A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

*Family Code 261.109*

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

**SBEC Disciplinary  
Action**

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

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**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.

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**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)*

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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. <i>Family Code 261.302(b)</i> [See GRA]
Interference with Investigation	A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. <i>Family Code 261.303(a)</i>
Confidentiality	A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. <i>Human Resources Code 42.004</i>
<b>Reporting Policy</b>	<p>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. <i>19 TAC 61.1051(b)</i></p> <p>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. <i>19 TAC 61.1051(b)(1)</i></p> <p>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]</p> <p>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:</p> <ol style="list-style-type: none"><li>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;</li><li>2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:<ol style="list-style-type: none"><li>a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and</li></ol></li></ol>

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- 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](https://www.txabusehotline.org/)<sup>1</sup> 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)*

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<sup>1</sup> Texas Abuse Hotline website: <https://www.txabusehotline.org/>

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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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.

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## Dating Violence

### Policy Requirements

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

*Education Code 37.083, .0831 [See BQ]*

### Student Resources

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. *Education Code 37.0831(c)*

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**Note:** References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

The U.S. Department of Education's Office for Civil Rights has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

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<b>Sexual Harassment</b>	<p>A district may develop and implement a sexual harassment policy to be included in the district improvement plan. <i>Education Code 37.083</i> [See BQ]</p> <p>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. <i>U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)</i></p> <p>No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. <i>20 U.S.C. 1681 (Title IX)</i></p> <p>A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. <i>34 C.F.R. 106.45; 20 U.S.C. 1681</i> [See also FB regarding Title IX]</p>
Designation of Title IX Coordinator	<p>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."</p>
Parties Entitled to Notice	<p>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.</p> <p><i>34 C.F.R. 106.8(a)</i></p>
Reporting	<p>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.</p>
Notification of Policy	<p>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</p>

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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)*

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**Note:** To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

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Adopting and  
Publishing  
Complaint  
Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

*34 C.F.R. 106.8(c)–(d)*

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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:

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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

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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.



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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

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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

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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

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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

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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

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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:

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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;



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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

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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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**Note:** This policy addresses discrimination, including harassment, and retaliation against District students. For provisions regarding discrimination, including harassment, and retaliation against District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

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**Prohibited Conduct** In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

**Statement of Nondiscrimination** The District prohibits discrimination, including harassment, against any student. Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. One type of harassment this policy prohibits is dating violence, as defined below. Retaliation against anyone exercising their rights under this policy is a violation of District policy and is prohibited.

**Harassment** Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Harassment includes dating violence as defined by law and this policy.

**Examples** Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name call-

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ing, slurs, or rumors; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**Title IX Sexual Harassment**

As required by law, the District shall follow the procedures below at Response to Title IX Sexual Harassment upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment in an education program or activity and against a person in the United States under Title IX. [See FFH(LEGAL)]

**Other Sexual Harassment**

By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

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3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

**Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyberharassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

**Dating Violence**

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

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1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Examples**

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

**Reporting  
Procedures**

**Student Report**

Any student who believes that he or she has experienced prohibited conduct and any person who believes that a student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

**Employee Report**

Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

**Definition of District  
Officials**

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

*Title IX  
Coordinator*

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

*ADA /  
Section 504  
Coordinator*

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

*Superintendent*

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

**Alternative  
Reporting  
Procedures**

An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX

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coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

**Timely Reporting**

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

**Notice to Parents**

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. [For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

When the District receives a report of prohibited conduct that includes dating violence, the appropriate District official shall immediately notify the parent or guardian of the student who has been identified in the report as the alleged victim or perpetrator.

**Investigation of  
Reports Other Than  
Title IX**

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Title IX Sexual Harassment.

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

**Initial Assessment**

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

**Interim Action**

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.



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District Investigation	<p>The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.</p>
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.</p>
<i>Notification of Outcome</i>	<p>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</p>
District Action <i>Prohibited Conduct</i>	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.</p>
Corrective Action	<p>Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of</p>

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	areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination, harassment, and retaliation.
<i>Bullying</i>	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent has the right to file a complaint with the United States Department of Education Office for Civil Rights.
<b>Response to Title IX Sexual Harassment</b>	For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
General Response	<p>When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:</p> <ul style="list-style-type: none"><li>• Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;</li><li>• Consider the complainant's wishes with respect to supportive measures; and</li><li>• Explain to the complainant the option and process for filing a formal complaint.</li></ul> <p>The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.</p>

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If a formal complaint is not filed or dismissed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct. The Title IX coordinator also reserves the right to sign a formal complaint, initiating the Title IX grievance process, if it would be deliberately indifferent not to investigate and respond to the prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal  
Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a

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	dismissal of a Title IX formal complaint or any allegations therein;
	9. A description of the supportive measures available to the complainant and respondent;
	10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
	11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
	12. Other local procedures as determined by the Superintendent.
Standard of Evidence	The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.
Retaliation	The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX. In the absence of a formal complaint, allegations of retaliation shall be investigated under Investigation of Reports Other Than Title IX, above.
Examples	Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
False Claim	A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.
Records Retention	<p>The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]</p> <p>[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]</p>

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**Access to Policy and  
Procedures**

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

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**UIL Rules and  
District Policies**

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

**Athletic Activities**

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation—Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201–33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

*Education Code 33.207(b), .208*

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

*Education Code 33.206*

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*



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- Safety Precautions A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:
1. Each student participant is adequately hydrated;
  2. Any prescribed asthma medication for a student participant is readily available to the student;
  3. Emergency lanes providing access to the practice or competition area are open and clear; and
  4. Heatstroke prevention materials are readily available.
- If a student participating in a practice or competition becomes unconscious during the activity, the student may not:
1. Return to the activity during which the student became unconscious; or
  2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

*Education Code 33.205*

- Concussions “Interscholastic athletic activity” includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL.  
*Education Code 38.152*

“Concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness.  
*Education Code 38.151(4)*

- Concussion Oversight Team* The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

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team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158.

*Education Code 38.154, .158*

Return-to-Play  
Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

*Required Annual  
Form*

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

*Removal from  
Play*

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

*Return to Play*

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

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2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;
3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and
4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:
  - a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;
  - b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
  - c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and
  - d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

*Education Code 38.157*

*Immunity*

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;

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2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

*Education Code 38.159*

Football Helmet  
Safety  
Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

*Education Code 33.094(a)–(c)*

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

*Education Code 33.091(d)–(e)*

Cardiac  
Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is ap-

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appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as established by the health-care professional's Texas licensing act.

*Immunity*

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

*Education Code 33.096*

Interscholastic  
Athletic Competition  
Based on Biological  
Sex

An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.

*Exception*

An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

*Birth Certificate  
Statement*

For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.

*Education Code 33.0834*

**Rodeos**

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

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“Rodeo” means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and
5. Riding a horse in a pattern around preset barrels or other obstacles.

**Educational  
Program**

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

**Restriction on  
Participation**

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

**Protective Gear for  
Bull Riding**

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

*Health and Safety Code 768.001(6), .003; 25 TAC 104.2–.4*

**Eligibility**

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

**Military Dependents**

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]

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**Attendance and  
Participation**

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least ten times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

*Education Code 33.081(a), .0811*

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular  
Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

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Exceptions

*Public  
Performances*

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

*State-Approved  
Music Courses*

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

*19 TAC 76.1001(a)*

Limits on  
Participation and  
Practice

*During the  
School Week*

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

*19 TAC 76.1001(d); Education Code 33.081(a)*

*During the  
School Day*

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity



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may practice that extracurricular activity for no more than one period during the school day.

3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or non-traditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

*19 TAC 76.1001(e); Education Code 33.081(a)*

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving  
Outpatient Mental  
Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activities other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

*Education Code 33.0832(c)–(d)*

Participation by  
Homeschooled  
Students

A public school that participates in an activity sponsored by UIL may provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

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*Relevant Policies* A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and
11. Performance.

*Residency Requirements* A non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

*Academic Requirements* The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

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After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

*Previous  
Enrollment in  
Public School*

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

*Prohibitions*

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

*Education Code 33.0832*

**Suspension from  
Extracurricular  
Activities**

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

**Length of  
Suspension**

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

**Grade Evaluation  
Period**

"Grade evaluation period" means:

1. The six-week grade reporting period; or

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2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

*Education Code 33.081(c)*

School Week      The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses      The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

*19 TAC 74.30*

Students with Disabilities      In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

*Education Code 33.081(e)*

Practice or Rehearsal      A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance.

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This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for  
Certain Conduct  
Involving  
Extracurricular  
Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

*Reinstatement  
After Conduct*

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

*Education Code 33.081(e-1)–(e-2)*

**Parental Notice and  
Consent**

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

Anonymous  
Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

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Videotaping and  
Recording

A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

**Discriminatory Club**

An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

*Education Code 33.082*

**Special Olympics  
Recognition**

If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*

**Student Election  
Clerks**

Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*

**Before-School and  
After-School  
Programs**

The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours.

A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district.

A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a

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child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

*Education Code 33.9031*

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT EXPRESSION

FNA  
(LEGAL)

**First Amendment**

A district shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition a board for a redress of grievances.  
*U.S. Const. Amend. I*

**Freedom of Speech**

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others.

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)  
[See also FNCl]

The special characteristics of the school environment and the governmental interest in stopping student drug abuse allow a district to restrict student expression that it reasonably regards as promoting illegal drug use. *Morse v. Frederick*, 551 U.S. 393 (2007)

When a student threatens violence against a student body, such specific threatening speech to a school or its population is unprotected by the First Amendment: school officials may punish such speech without first collecting evidence sufficient to prove a reasonable belief that disruption would occur as a result of the speech. *Ponce v. Socorro Indep. Sch. Dist.*, 508 F.3d 765 (5th Cir. 2007)

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986)

Public schools may have a special interest in regulating some off-campus student speech, however, the interest must be sufficient to overcome the student's interest in free expression. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices. *Mahanoy Area School District v. B.L.*, 141 S.Ct. 2038 (2021)



STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT EXPRESSION

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(LEGAL)

*Prayer at School  
Activities*

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*

Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the school day. But the religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer.

A district shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events.

*Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games) [For invocations and benedictions at commencement, see FMH.]

*Federal Funds*

As a condition of receiving federal funds under the Elementary and Secondary Education Act (ESEA), a district shall certify in writing to TEA that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year.

By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the district is not in compliance with this section. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.

*20 U.S.C. 7904*

**Expression of  
Religious Viewpoints**

A district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject. *Education Code 25.151*

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STUDENT EXPRESSION

FNA  
(LEGAL)

Policies

A district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools at Education Code 25.156, the district is in compliance with the provisions of Education Code Chapter 25, Subchapter E covered by the model policy.

A district shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require a district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
4. State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

Disclaimer

The disclaimer required by item 4, above, must be provided at all graduation ceremonies. A district must continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's non-sponsorship of the student's speech.

*Education Code 25.152, .155*

Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by a district. Students may not be penalized or rewarded on account of the religious content of their work. *Education Code 25.153*

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[For information on the study of religion, see EMI. For information on student religious groups and activities, see FNAB.]

**Patriotic  
Observances**

A district may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale*, 370 U.S. 421 (1962)

A district shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943) (*holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance*)

**Winter Celebrations**

A district may educate students about the history of traditional winter celebrations, and allow students and district staff to offer traditional greetings regarding the celebrations, including:

1. "Merry Christmas";
2. "Happy Hanukkah"; and
3. "Happy holidays."

A district may display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion or one religion and at least one secular scene or symbol.

A display relating to a traditional winter celebration may not include a message that encourages adherence to a particular religious belief.

*Education Code 29.920*

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

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**Removal Under  
Student Code of  
Conduct**

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

**Mandatory  
Placement in DAEP**

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

School-Related  
Misconduct

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
  - a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
  - b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

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8. Engages in conduct that contains the elements of the offense of harassment under Penal Code 42.07(a)(1), (2), (3), or (7) against an employee of the district.

*Education Code 37.006(a)*

*Exception*

Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

Retaliation

Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation under Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

Conduct Unrelated  
to School

In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;
2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or
3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

*Education Code 37.006(c)*

*Reasonable  
Belief*

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27 other than information requested under Code of Criminal Procedure Article 15.27(k-1). *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

*Title 5 Felonies*

The following are felony offenses listed in Penal Code, Title 5, Offenses Against the Person.

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1. Murder. *Penal Code 19.02*
2. Capital Murder. *Penal Code 19.03*
3. Manslaughter. *Penal Code 19.04*
4. Criminally Negligent Homicide. *Penal Code 19.05*
5. Unlawful Restraint, if:
  - a. The person restrained was younger than 17 years of age; or
  - b. The actor recklessly exposes the victim to a substantial risk of serious bodily injury; restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty; or while in custody restrains any other person. *Penal Code 20.02*
6. Kidnapping. *Penal Code 20.03*
7. Aggravated Kidnapping. *Penal Code 20.04*
8. Smuggling of Persons. *Penal Code 20.05*
9. Continuous Smuggling of Persons. *Penal Code 20.06*
10. Trafficking of Persons. *Penal Code 20A.02*
11. Continuous Trafficking of Persons. *Penal Code 20A.03*
12. Continuous Sexual Abuse of Young Child or Disabled Individual. *Penal Code 21.02*
13. Bestiality. *Penal Code 21.09*
14. Indecency with a Child. *Penal Code 21.11*
15. Improper Relationship between Educator and Student. *Penal Code 21.12*
16. Invasive Visual Recording. *Penal Code 21.15*
17. Unlawful Disclosure or Promotion of Intimate Visual Material. *Penal Code 21.16*
18. Voyeurism, if the victim was younger than 14 years of age at the time of the offense. *Penal Code 21.17*
19. Sexual Coercion. *Penal Code 21.18*
20. Assault, if the offense is punishable as a felony. *Penal Code 22.01*

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21. Sexual Assault. *Penal Code 22.011*
22. Aggravated Assault. *Penal Code 22.02*
23. Aggravated Sexual Assault. *Penal Code 22.021*
24. Injury to a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.04*
25. Abandoning or Endangering a Child. *Penal Code 22.041*
26. Deadly Conduct, if the person knowingly discharges a firearm at or in the direction of one or more individuals, or at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. *Penal Code 22.05*
27. Terroristic Threat, if the actor threatens to commit any offense involving violence to any person or property with intent to:
  - a. Place any person in fear of imminent serious bodily injury if the actor knows the person is a peace officer or judge;
  - b. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place if the prevention or interruption causes pecuniary loss of \$1,500 or more to the owner;
  - c. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
  - d. Place the public or a substantial group of the public in fear of serious bodily injury; or
  - e. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision. *Penal Code 22.07*
28. Aiding Suicide, if the conduct causes suicide or attempted suicide that results in serious bodily injury. *Penal Code 22.08*
29. Tampering with Consumer Product. *Penal Code 22.09*
30. Harassment by Persons in Certain Facilities or of Public Servant. *Penal Code 22.11*

Sexual Assault of  
Another Student

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

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1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student who was a young child or disabled individual while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;
2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and
3. There is only one campus in a district serving the grade level in which the student is enrolled.

*Education Code 25.0341, 37.0051(a)* [See FDE at Sexual Assault Transfer—Transfer of Assailant]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

**Permissive Removal**  
Non-Title 5 Felony

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The superintendent or designee has a reasonable belief [see Reasonable Belief, above] that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see above at Title 5 Felonies]; and
2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

*Education Code 37.006(d)–(e)*

Bullying

A student may be removed from class and placed in a DAEP if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;
2. Incites violence against a student through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Nothing in this provision exempts a school from reporting a finding of intimate visual material of a minor.



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<i>Definitions</i>	"Bullying" has the meaning assigned by Education Code 37.0832. [See FFI]
Bullying	
Intimate Visual Material	"Intimate visual material" has the meaning assigned by Civil Practice and Remedies Code 98B.001.
	<i>Education Code 37.0052</i>
One Year After Conduct	A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. <i>Education Code 37.006(n)</i>
Certain Organization and Gang Membership and Solicitation	A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. <i>Education Code 37.121(b)</i>
<b>Older Students</b>	A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the district shall revoke the student's admission. <i>Education Code 25.001(b-1)</i>
<b>Placement of Younger Students</b>	A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. <i>Education Code 37.006(f), .007(e)</i> [See FOD]
Students Younger Than Six	Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] shall be provided educational services in a DAEP. <i>Education Code 37.006(l), .007(e)(2)</i>
<b>Process for Removal Conference</b>	Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the re-

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removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Mitigating Factors

Before ordering removal to a DAEP, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

Order

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.

Appeal

If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.

*Education Code 37.009(a)* [See Student Code of Conduct]

**Term of Removal**

The period of the placement after removal may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees. *Education Code 37.009(a)*

A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement in a DAEP may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees or extended placement is in the best interest of the student. *Education Code 37.009(d)*

Beyond Grading  
Period or 60 Days

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.

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<i>No Appeal</i>	<p>Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.</p> <p><i>Education Code 37.009(b)</i></p>
Beyond End of School Year	<p>Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:</p> <ol style="list-style-type: none"><li>1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or</li><li>2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.</li></ol> <p><i>Education Code 37.009(c)</i></p>
Order of Removal	<p>A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. <i>Education Code 37.009(g)</i></p> <p>Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. <i>Education Code 37.010(a)</i></p>
<i>Activities</i>	<p>The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. <i>Education Code 37.006(g)</i></p> <p>In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.</p> <p>Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.</p> <p><i>Education Code 37.006(o)</i></p>

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**Completion of  
Proceedings Upon  
Withdrawal**

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

**Enrollment in  
Another District**

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes without completing the period of placement. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
  - a. The out-of-state district provides a copy of the placement order; and
  - b. The grounds for placement are the same as grounds for placement in the enrolling district.

*Education Code 37.008(j)*

**Out-of-State  
Placement**

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

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1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

*Education Code 37.008(j-1)*

**Court-Ordered  
Placement**

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;
2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

*Education Code 37.010(c)–(d)*

School Activities

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(e)*

Placement After  
Court Disposition

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

*Education Code 37.010(f)*

**Not Guilty/  
Insufficient  
Evidence/Charges  
Dropped**

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

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1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

*Education Code 37.006(h); Code of Criminal Procedure 15.27(g)*

Appeal After  
Placement Upheld

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner of education. The student may not be returned to the regular classroom pending the appeal to the commissioner.

*Education Code 37.006(i)–(j)*

**120-Day Review of  
Status**

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required to provide a course in the DAEP, except as required by

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Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.009(e)*

**Additional  
Proceedings**

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

**Reporting**

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)*  
[See AIB]

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**Note:** See FOF for provisions concerning students with disabilities.

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A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP. *19 TAC 103.1201(a)*

[See board-adopted Student Code of Conduct for information regarding DAEP.]

**Joint/Contracted  
DAEP**

A district may provide a DAEP jointly with one or more other districts or may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider. *Education Code 37.008(d); 19 TAC 103.1201(d)*

A DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. *Education Code 37.008(b)*

**Community  
Organizations**

A district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a DAEP. *Education Code 37.008(e)*

**Shared Service  
Arrangements**

A district that participates in a shared service arrangement for DAEP services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district in accordance with 19 Administrative Code 103.1201(b) [see BQ]. *19 TAC 103.1201(b)*

**Funding**

A student removed to a DAEP is counted in computing a district's average daily attendance for the student's time in actual attendance in the program. *Education Code 37.008(f)*

A district shall allocate to a DAEP the same expenditure per student attending the DAEP that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. *Education Code 37.008(g)* [See also EHBC(LEGAL), Limit on DAEP Expenditures]

**Location**

A DAEP shall be provided in a setting other than the student's regular classroom. *Education Code 37.008(a)(1)*

A DAEP may be located on-campus or off-campus in adherence with requirements of the *Student Attendance Accounting Handbook*. For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the



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campus the student would be attending if the student was not attending the DAEP). *19 TAC 103.1201(c); Education Code 37.008(a)(2)*

An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39 or 39A. *Education Code 37.008(c)*

An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy. *Education Code 37.006(f); 19 TAC 103.1201(h)(1)*

Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. Notwithstanding this requirement, summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

Students in the DAEP shall be separated from students in a juvenile justice alternative education program.

*Education Code 37.008(a)(3), (c); 19 TAC 103.1201(f)(3), (h)(3)*

**Safety**

A district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in Education Code 22.0511 [see DG], shall not be impacted. The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

Each district shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

*19 TAC 103.1201(h)*

**Staffing**

A DAEP shall employ only teachers who meet certification requirements under Education Code Chapter 21, Subchapter B. The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. *Education Code 37.008(a)(7); 19 TAC 103.1201(h)(1)*

Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

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1. Training on the education and discipline of students with disabilities who receive special education services;
2. Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and
3. Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

*19 TAC 103.1201(i)*

**Entrance Procedures**

Procedures for each DAEP shall be developed and implemented for newly entering students and their parents or guardians on the expectations of the DAEP. These procedures shall include written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success. *19 TAC 103.1201(j)*

**Academics**

The academic mission of DAEPs shall be to enable students to perform at grade level. A DAEP shall focus on English language arts, mathematics, science, history, and self-discipline. *Education Code 37.008(a)(4), (m)*

A district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's required high school personal graduation plan [see EIF] may not be altered when the student is assigned to a DAEP.

**Opportunity to  
Complete Course**

A district shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this provision.

*Education Code 37.008(l); 19 TAC 103.1201(f)*

A district shall provide the parents of a student removed to a DAEP with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework and state that the methods are available at no cost to the student. *Education Code 37.008(l-1)*

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School Day	The school day for a DAEP shall be at least 240 minutes in length each day, including intermissions and recesses. <i>19 TAC 103.1201(f)(2)</i>
<b>Accountability</b>	The campus of accountability for student performance must be the student's locally assigned campus, including when the district or shared services arrangement contracts with a third party for DAEP services. <i>19 TAC 103.1201(e)</i>
<b>Academic Assessments</b>	<p>A district shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:</p> <ol style="list-style-type: none"><li>Initially on placement of the student in the program; and</li><li>Subsequently on the date of the student's departure from the program, or as near that date as possible.</li></ol> <p>The assessment instrument:</p> <ol style="list-style-type: none"><li>Must be designed to assess at least a student's basic skills in reading and mathematics;</li><li>May be:<ol style="list-style-type: none"><li>Comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or</li><li>Based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and</li></ol></li><li>Is in addition to the required state assessments [see EKB].</li></ol> <p><i>Education Code 37.0082</i></p> <p>Released state assessments for reading and mathematics for the appropriate grade may be used. A district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills for reading and mathematics for the student's assigned grade. The commissioner will publish on the TEA website a list of assessments approved for use in each school year. A district may contact TEA to obtain accommodated versions of particular assessments.</p> <p>The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.</p>

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Each district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within ten school days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment, including appropriate accommodations as needed, shall be developed and implemented in accordance with local district policy.

A student in the district's DAEP must also be assessed under the required state assessment [see EKB].

*19 TAC 103.1203*

**Special Populations**

Special Education

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with Education Code 37.004 and federal requirements. *19 TAC 103.1201(g)*

Drug and Alcohol  
Treatment

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

**Transition to Regular  
Classroom**

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented as required by Education Code 37.023. *19 TAC 103.1201(k)*

Definitions

"Alternative education program" includes:

1. A disciplinary alternative education program operated by a school district or open-enrollment charter school;
2. A juvenile justice alternative education program; and
3. A residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

"Licensed clinical social worker" has the meaning assigned by Occupations Code 505.002.

*Education Code 37.023(a)*

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After Determination  
of the Release Date

As soon as practicable after an alternative education program determines the date of a student's release from the program, the alternative education program administrator shall:

1. Provide written notice of that date to:
  - a. The student's parent or a person standing in parental relation to the student; and
  - b. The administrator of the campus to which the student intends to transition; and
2. Provide the campus administrator:
  - a. An assessment of the student's academic growth while attending the alternative education program; and
  - b. The results of any assessment instruments administered to the student.

*Education Code 37.023(b)*

Coordination After  
Release

Not later than five instructional days after the date of a student's release from an alternative education program, the campus administrator shall coordinate the student's transition to a regular classroom. The coordination must include assistance and recommendations from:

1. School counselors;
2. School district peace officers;
3. School resource officers;
4. Licensed clinical social workers;
5. Campus behavior coordinators;
6. Classroom teachers who are or may be responsible for implementing the student's personalized transition plan; and
7. Any other appropriate school district personnel.

*Education Code 37.023(c)*

Personalized  
Transition Plan

The assistance described above must include a personalized transition plan for the student developed by the campus administrator. A personalized transition plan:

1. Must include recommendations for the best educational placement of the student; and
2. May include:

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- a. Recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals;
- b. Recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity;
- c. The provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Education Code 29.004; and
- d. A regular review of the student's progress toward the student's academic or career goals.

*Education Code 37.023(d)*

Parent Meeting

If practicable, the campus administrator, or the administrator's designee, shall meet with the student's parent or a person standing in parental relation to the student to coordinate plans for the student's transition.

Applicability

Education Code 37.023 applies only to a student subject to compulsory attendance requirements under Education Code 25.085 [see FEA].

*Education Code 37.023(e)–(f)*



STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

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**Students with  
Disabilities Under  
Section 504**

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

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**Note:** The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

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**Students Receiving  
Special Education  
Services**

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(k)*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)–(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

**DAEP Placement  
Not Solely for  
Educational  
Purposes**

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)–(d)*

**Removal for Ten  
Days or Less**

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement



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	to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. <i>20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)</i>
Services During Removal	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. <i>34 C.F.R. 300.530(d)</i>
<b>Subsequent Removals of Ten Days or Less</b>	School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). <i>34 C.F.R. 300.530(b)(1)</i>
Services During Removal	After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). <i>20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)</i>
Notice of Procedural Safeguards	Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. <i>20 U.S.C. 1415(k)(1)(H)</i>
<b>Removals That Are a Change in Placement</b>	<p>Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review.</p> <p>Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below].</p> <p><i>Education Code 37.004(b)</i></p>
Behavior Assessment and Intervention	<p>If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall:</p> <ol style="list-style-type: none"><li>1. Not later than the tenth school day after the change in placement:</li></ol>

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- a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted on the student or the student's most recent functional behavioral assessment is more than one year old; and
  - b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and
2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

*Education Code 37.004(b-1)*

Change in  
Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than ten school days in a school year;
  - b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
  - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

*34 C.F.R. 300.536*

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. 20 U.S.C. 1415(k)(1)(A)

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Manifestation  
Determination

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

*20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)*

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

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*Services During  
Removal*

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(1)–(2)*

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

*19 TAC 89.1052*

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the

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student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

*20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)*

**Special  
Circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

*20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)*

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

**Services During  
Removal**

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(1)*

**Appeals**

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151*

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Placement During Appeals	When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. <i>20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533</i>
Reporting Crimes	Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). <i>20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535 [See FL]</i>
Students Not Yet Identified	A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. <i>20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)</i>
District Knowledge	<p>A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:</p> <ol style="list-style-type: none"><li>1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;</li><li>2. The parent requested an evaluation of the student for special education and related services; or</li><li>3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.</li></ol> <p><i>20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)</i></p>
Exception	<p>A district shall not be deemed to have knowledge that the student had a disability if:</p> <ol style="list-style-type: none"><li>1. The parent has not allowed an evaluation of the student;</li><li>2. The parent has refused services; or</li></ol>

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3. The student has been evaluated and it was determined that the student did not have a disability.

*20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)*

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

*20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)*

**Behavior  
Management  
Techniques**

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

**Rules on Restraint  
and Seclusion**

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

**School Peace  
Officers**

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or
2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

*Education Code 37.0021(h); 19 TAC 89.1053(l)*

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Exceptions	<p>Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:</p> <ol style="list-style-type: none"><li>1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by Education Code 37.0021(i) [see Restraint, Documentation, below];</li><li>2. Juvenile probation, detention, or corrections personnel; or</li><li>3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.</li></ol>
<i>Law Enforcement Duties</i>	<p>“Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.</p> <p><i>Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)</i></p> <p>Further, Education Code 37.0021 does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:</p> <ol style="list-style-type: none"><li>1. The student possesses a weapon; and</li><li>2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.</li></ol> <p>For these purposes, “weapon” includes any weapon described under Education Code 37.007(a)(1). [See FNCG]</p> <p><i>Education Code 37.0021(f)</i></p>
Confinement	<p>A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. <i>Education Code 37.0021(a)</i></p>
Seclusion	<p>A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. <i>Education Code 37.0021(c)</i></p> <p>“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:</p> <ol style="list-style-type: none"><li>1. Is designed solely to seclude a person; and</li><li>2. Contains less than 50 square feet of space.</li></ol> <p><i>Education Code 37.0021(b)(2)</i></p>



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Restraint	<p>A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:</p> <ol style="list-style-type: none"><li>1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.</li><li>2. Restraint shall be discontinued at the point at which the emergency no longer exists.</li><li>3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.</li><li>4. Restraint shall not deprive the student of basic human necessities.</li></ol> <p><i>19 TAC 89.1053(c)</i></p> <p>“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body.</p>
Emergency	<p>“Emergency” means a situation in which a student’s behavior poses a threat of:</p> <ol style="list-style-type: none"><li>1. Imminent, serious physical harm to the student or others; or</li><li>2. Imminent, serious property destruction.</li></ol> <p><i>19 TAC 89.1053(b)(1)–(2)</i></p>
Training	<p>Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).</p>
Documentation	<p>In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 Administrative Code 89.1053(e).</p> <p>A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.</p> <p><i>Education Code 37.0021(i)</i></p>
Time-Out	<p>A school employee, volunteer, or independent contractor may use time-out with the following limitations:</p> <ol style="list-style-type: none"><li>1. Physical force or threat of physical force shall not be used to place a student in time-out.</li></ol>

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2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

*19 TAC 89.1053(g)*

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

*19 TAC 89.1053(b)(3)*

*Training*

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

*Documentation*

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

*19 TAC 89.1053(i)*



COMMUNITY RELATIONS  
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**Applicability of  
Criminal Laws**

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

**Trespass**

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

**Refusal of Entry or  
Ejection of  
Unauthorized  
Persons**

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

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

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

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

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

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

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

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

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

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

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

*Education Code 37.105; 19 TAC 103.1207*

**Vehicles on School Property**

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

**Disruption of Lawful Assembly**

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

Disruptive activity means:

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

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Free Speech

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

*Education Code 37.123*

**Disruption of  
Classes**

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

Disrupting the conduct of classes or other school activities includes:

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

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

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

*Education Code 37.124*

**Disruption of  
Transportation**

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

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**Tobacco and  
E-Cigarettes**

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

Smoking in  
Buildings

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

*Criminal Penalty*

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

*Defense*

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

*Facilities for  
Extinguishment*

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

*Penal Code 48.01(a)–(c)*

**Alcohol**

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

Intoxicants

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

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

*Education Code 37.122* [See also FNCF]

**Fireworks**

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

**Federal Gun-Free  
School Zones Act**

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



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

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

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

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

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

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

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

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**Possession of  
Weapons**

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution;
2. On the premises of a polling place on the day of an election or while early voting is in progress;
3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;
4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

*Penal Code 46.03(a)(1), (2), (8), (14), (f)*

**"Premises" Defined**

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

**Notice to Public**

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property";
2. Includes the language described above in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and

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4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

*Penal Code 46.15(m)–(o)*

Transportation or  
Storage of Firearm  
in School Parking  
Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

*Education Code 37.0815*

Volunteer  
Emergency  
Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined

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by Occupations Code 1701.001, who is performing law enforcement duties.

*Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)*

**Exhibition of Firearm**

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
  - a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
  - b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

*Education Code 37.125*

**Trespass—  
Concealed Carry of  
Handgun**

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

**Notice / Sign—  
Concealed Carry of  
Handgun**

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code

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(trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

*Penal Code 30.06* [See also FNCG]

Unauthorized  
Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov’t Code 411.209*

**Trespass—Open  
Carry of Handgun**

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign—  
Open Carry of  
Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun),

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a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

*Penal Code 30.07*

**Unmanned Aircraft  
Systems**

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**Note:** For provisions applicable to the use of drones for law enforcement purposes, see CKEA

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Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

*Small Unmanned  
Aircraft*

“Small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

*Small Unmanned  
Aircraft System*

“Small unmanned aircraft system” (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

*14 C.F.R. 1.1, 107.3*

*Operation of  
Small UAS*

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;
2. Any aircraft subject to the provisions of 14 C.F.R. Part 101;

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3. Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under 49 U.S.C. 44807, unless otherwise specified in the exemption; or
4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

*14 C.F.R. 107.1*

*Exception for  
Limited  
Recreational  
Operation*

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.
2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.
3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.
5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.
6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.
7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.
8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

*49 U.S.C. 44809(a)*

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State Law  
*Regulation  
Limited*

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
  - a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
  - b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

*Gov't Code 423.009(a)(2), (c)*

*Privacy Law*

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

*Gov't Code 423.002(a)*





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(LEGAL)

**Prohibited Acts**

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

*Civ. Prac. & Rem. Code 106.001(a)*

**Right to Preserve Use**

A district, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated.

*Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**Forum for Communication**

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330 (5th Cir. 2001)

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; the district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**Fees for Use**

The board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of a district's facilities, in the amounts and manner determined by the board. *Education Code 45.033*

**Charter Schools**

A district may not require a campus or campus program charter that is the result of the conversion of the status of an existing district campus to pay rent for or to purchase a facility in order to use the facility.

A district may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service provided

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by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

*Education Code 11.1543*

**Patriotic Societies**

If a district has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the district shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

[For provisions related to a patriotic society's access to students, see GKE.]

'Youth Group'

"Youth group" means any group or organization intended to serve young people under the age of 21.

Limited Public  
Forum

For purposes of this policy regarding Patriotic Societies, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Sponsorship

Nothing in this policy shall be construed to require a district to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

*Boy Scouts of America Equal Access Act, 20 U.S.C. 7905*

**Facilities as Polling  
Places**

A district shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings

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for the same day and simultaneous use is impractical, a district shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a district building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

[For provisions related to polling place security, see CKC.]

**Political Party  
Conventions**

A district shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The district shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

**Facilities as Places  
of Worship**

Definitions

“Disaster” has the meaning assigned by Government Code 418.004.

“Governmental entity” includes a political subdivision of this state, including a county, municipality, or special district or authority or an officer, employee, or agent of the entity.

“Person” has the meaning assigned by Government Code 311.005, except the term does not include an employee of a governmental entity acting within the employee's scope of employment or a contractor of a governmental entity acting within the scope of the contract.

“Place of worship” means a building or grounds where religious activities are conducted.

“Public official” means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

“Religious organization” means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Prohibition on  
Orders Closing  
Places of Worship

A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

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Essential Activities	<p>Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.</p> <p>A governmental entity may not at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose or during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.</p>
Relief Available	<p>A person may assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief; declaratory relief; and court costs and reasonable attorney's fees.</p> <p>A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.</p> <p>The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this provision.</p>
Interpretation	<p>This provision may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.</p> <p>This provision may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.</p> <p><i>Civ. Prac. &amp; Rem. Code 110.001(a), .0031; Gov't Code 2401.001-.005</i></p>

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SCHOOL VOLUNTEER PROGRAM

GKG  
(LEGAL)

A district shall develop a volunteer program. In developing the program, a district shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, a district shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

**Program  
Requirements and  
Guidelines**

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

*Gov't Code 2109.004(a)*

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by a district.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed \$75 per person in value to recognize special achievement and outstanding service of volunteers.

*Gov't Code 2109.004(b)*

**Criminal History  
Record**

A district or shared services arrangement shall obtain from the Texas Department of Public Safety (DPS) and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district or shared services arrangement. *Gov't Code 22.0835(a)*

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The prospective volunteer must provide the district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government. *Gov't Code 22.0835(c)*

A person may not perform any volunteer duties until these requirements have been satisfied. *Gov't Code 22.0835(d)*

Permissive  
Exception

A district may, but is not required to, obtain all criminal history record information that relates to a person who volunteers or is applying to volunteer with a district or shared services arrangement if the person:

1. Is the parent, guardian, or grandparent of a child who is enrolled in the district for which the person volunteers or is applying to volunteer;
2. Will be accompanied by a district employee while on a school campus; or
3. Is volunteering for a single event on the school campus.

*Gov't Code 22.0835(e), (f)*

Costs

A district may require a volunteer or volunteer applicant to pay any costs related to obtaining criminal history record information. *Education Code 22.0835*

[See DBAA(LEGAL) for definitions and provisions regarding confidentiality, records retention, and criminal history record checks of employees.]

**Immunity**

Generally

A volunteer who is serving as a direct service volunteer in a district is immune from civil liability to the same extent as a district employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

A "volunteer" is a person rendering services for or on behalf of a district on district premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

*Education Code 22.053*

Extracurricular  
Activities

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

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SCHOOL VOLUNTEER PROGRAM

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(LEGAL)

*Physical  
Examinations*

Subject to Civil Practice and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health care practitioner was acting in good faith and in the course and scope of the health-care practitioner's duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
  - a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
  - b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

If the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

*Civ. Prac. & Rem. Code 91.002*

Immunity for Shelter  
Workers

A district volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006*

**Training –  
Concussion  
Oversight Team**

A licensed health care professional who serves on a volunteer basis on a district's concussion oversight team [see FM] must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. In addition, the professional shall, at least once every two years, take a course in the subject matter of concussions approved



by the University Interscholastic League (UIL), the Texas Department of Licensing and Regulation, or the appropriate licensing authority for the profession.

The professional must submit proof of timely completion of an approved course to the superintendent or designee. A licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity.

*Education Code 38.154, .158*

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Discuss Changes to FNF Local Policy	
<b>Agenda Location:</b>	INFORMATION ONLY	
<b>Template Attachments:</b>	Yes	PDF - <a href="#">FNF LOCAL revision</a>
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b> <b>Limit to ____ words or less</b>	<b>WHY:</b> Local policy revision required to change or remove present student-focused drug testing program. <b>WHAT:</b> See attached FNF (local) proposed changes in red.	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Primary)</i>	4.3 Commitment to Financial Stewardship	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	3.1 Commit to MISD Cultural Tenets in a Way that Ensure Staff and Student Well-being	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	FNF-STUDENT RIGHTS AND RESPONSIBILITIES - INVESTIGATIONS AND SEARCHES	
<b>Fiscal Impact/Budget Function Code:</b>	Would recuperate approximately \$20,000 annually.	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	INFORMATION ONLY	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Krista Tipton (ED)
	District Leadership	Executive Director (ED) or Director (D)

STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS AND SEARCHES

FNF  
(LOCAL)

**PROPOSED REVISIONS**

**Questioning  
Students**

District officials may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students may not refuse to answer questions based on a right not to incriminate themselves.

For provisions pertaining to student questioning by law enforcement officials or other state or local governmental authorities, see GRA(LOCAL).

**District Property**

Desks, lockers, District-provided technology, and similar items are the property of the District and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy in District property. Students shall be fully responsible for the security and contents of District property assigned to them. No student shall place or keep in a desk, locker, District-provided technology, or similar item any article or material prohibited by law, District policy, or the Student Code of Conduct. Students shall be responsible for any prohibited item found in District property provided to the student.

**Searches in General**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and District policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner.

District officials may initiate a search in accordance with law, including, for example, based on reasonable suspicion, voluntary consent, or pursuant to District policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on District property.

**Reasonable-  
Suspicion Searches**

Searches should be reasonable at their inception and in scope. If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a District official may conduct a search in accordance with law and District regulations.

**Suspicionless  
Searches**

For purposes of this policy, a suspicionless search is a search carried out based on lawful security procedures, such as metal detector searches ~~or random drug testing~~.

***Metal Detector  
Searches***

In order to maintain a safe and disciplined learning environment, the District reserves the right to subject students to metal detector

STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS AND SEARCHES

FNF  
(LOCAL)

searches when entering a District campus and at off-campus, school-sponsored activities.

**Use of Trained Dogs**

The District reserves the right to use trained dogs to conduct screening for concealed prohibited items. Such procedures shall be unannounced. The dogs shall not be used with students; however, students may be asked to leave personal belongings in an area that will be screened. If a dog alerts to an item or an area, it may be searched by District officials.

**Random Drug-  
Testing Program**

~~The District requires the random drug testing of any student in grades 9-12 who chooses to participate in school-sponsored extracurricular activities or request a permit to park a vehicle on school property.~~

~~The Superintendent shall develop regulations for the implementation of the District's random student drug testing program that address the following:~~

- ~~1. Covered activities and purpose of the program;~~
- ~~2. Written consent and confidentiality of results;~~
- ~~3. Testing procedures and collection process; and~~
- ~~4. Applicable consequences.~~

**Appeal**

~~A student or parent may appeal a decision made under the random drug testing program in accordance with FNF(LOCAL). The student shall be ineligible for participation in extracurricular activities or reinstatement of parking privileges while the appeal is pending.~~

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Video Surveillance in Special Education Settings for 22/23 School Year	
<b>Agenda Location:</b>	INFORMATION ONLY	
<b>Template Attachments:</b>	No	N/A
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> The board has requested in previous years for all special ed self-contained classrooms to have active video equipment.</p> <p><b>WHAT:</b> If it is the decision of the board of trustees to activate video equipment for the purpose of ensuring the safety of students and staff in special education self-contained classrooms for the 2022-2023 school year, per policy EHBAF (LEGAL), the board must submit a request in writing to the administrative coordinator for the district.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 3: Culture, Climate and Safety	
<b>Performance Objective:</b> <i>(Primary)</i>	3.1 Commit to MISD Cultural Tenets in a Way that Ensure Staff and Student Well-being	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	4.2 Effective and Efficient Cross-departmental Work Processes	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	EHBAF-SPECIAL EDUCATION - VIDEO/AUDIO MONITORING	
<b>Fiscal Impact/Budget Function Code:</b>	N/A	
<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	INFORMATION ONLY	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Melissa Wolfe (ED)
	District Leadership	Executive Director (ED) or Director (D)

**Midlothian ISD  
BOARDBOOK TEMPLATE**

<b>Board Meeting Date:</b>	July 18, 2022	
<b>Agenda Item:</b>	Increase Reimbursement for Leave Upon Retirement	
<b>Agenda Location:</b>	INFORMATION ONLY	
<b>Template Attachments:</b>	No	N/A
<b>If yes, then select what applies:</b>	N/A	N/A
<b>Link to the presentation:</b>	No presentation for this item.	
<b>Background Information</b>	<p><b>WHY:</b> Based on Policy DEC (LOCAL): An employee who retires from the District shall be eligible for reimbursement for state and local leave under the following conditions:</p> <ol style="list-style-type: none"> <li>1. The employee's retirement from employment is voluntary, i. e., the employee is not being discharged or non-renewed.</li> <li>2. The employee has at least five years of consecutive service with the District.</li> <li>3. The employee meets state eligibility requirements for retirement.</li> </ol> <p>If an employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.</p> <p>The District shall reimburse up to 30 days of unused leave earned during employment with the District.</p> <p><b>WHAT:</b> The District would like to increase the daily rate for reimbursement of leave for a retired employee from \$80 a day to \$90 a day.</p>	
<b>Strategic Priority:</b> <i>(Primary)</i>	Priority 2: Capacity Building and Effective Leadership	
<b>Performance Objective:</b> <i>(Primary)</i>	2.1 Recruit and Retain High-potential Talent	
<b>Strategic Priority:</b> <i>(Secondary - if needed)</i>	Priority 4: District Operations and financial Stewardship	
<b>Performance Objective:</b> <i>(Secondary - if needed)</i>	4.3 Commitment to Financial Stewardship	
<b>Legal Reference: (1) / (2)</b>	N/A	N/A
<b>Policy Reference: (1) / (2)</b>	DEC-COMPENSATION AND BENEFITS - LEAVES AND ABSENCES	
<b>Fiscal Impact/Budget Function Code:</b>	Approximately an additional \$300 per retiree, depending on the total number of retirees and how many remaining days they have available.	

<b>Administration Recommendation</b>	Presentation only	
<b>Motion:</b>	INFORMATION ONLY	
<b>Presenter:</b>	Aaron Williams, Ed.D.	Tamela Crawford (ED)
	District Leadership	Executive Director (ED) or Director (D)