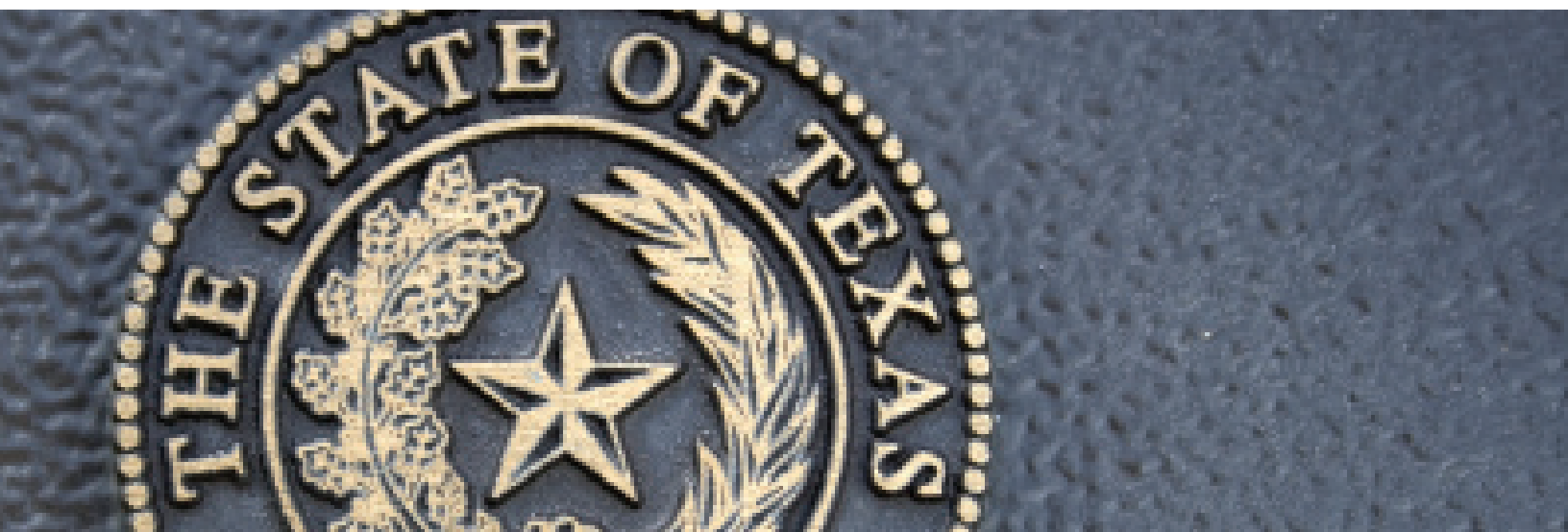


# Report on School District Mandates: Cost Drivers in Public Education



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Texas Association of School Boards



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# State Mandates on School Districts

## Introduction

In 2002, the Texas Association of School Administrators (TASA) and the Texas Association of School Boards (TASB) compiled the *Report on School District Mandates*, a comprehensive list of the various state mandates placed on school districts that contribute significantly to the rising costs of public education. TASA and TASB have updated and revised this document to include mandates passed through the 2015 legislative session. This document encompasses the majority of mandates passed since 1995 but does not contain a complete list of all mandates on Texas school districts. This version includes only those Texas laws and regulations that are likely to impose significant implementation costs either collectively or by themselves.

The goal of the revised report is to assist school leaders in identifying the most significant unfunded or underfunded mandates and in calculating the cost of implementing those mandates in their districts.

Given the differences among school districts, it would be difficult to quantify accurately the statewide cost of each mandate; therefore, this document lists the factors that may contribute to a district's cost of implementing each mandate. The goal of the revised report is to assist school leaders in identifying the most significant unfunded or underfunded mandates and in calculating the cost of implementing those mandates in their districts.

The fact that a particular mandate is listed in this document does not imply that the mandate is without merit. For example, no one would argue that state-mandated leaves of absence for school employees are unnecessary. The issue is not whether it is appropriate for the Legislature to pass mandates; the issue is the strain state mandates place on school district budgets. This document endeavors to identify state requirements that are driving the growth of school district budgets.

State mandates on school districts are only one factor leading to the rising cost of education. The impact of inflation, especially on staff salaries, is one of the single largest cost factors in school districts. Other cost drivers include the growing student population, which is estimated at 80,000 additional students annually; the growing population of economically disadvantaged students, which make up about 60 percent of Texas public school students; and the increased costs of utilities, fuel, and insurance.

In recent years, the Texas Legislature has shown an increased awareness of the strain that mandates place on a school district's budget. School officials can help legislators understand the number of unfunded or underfunded mandates imposed on school districts by quantifying the costs of existing mandates, estimating the costs of mandates proposed during subsequent legislative sessions, and continuing to dialogue with their legislative representatives.

# Instructional Programs

## ACCELERATED READING INSTRUCTION FOR STUDENTS IN KINDERGARTEN THROUGH GRADE 2

School districts are required to provide accelerated (intensive) reading instruction to students in kindergarten through grade 2 who may be at risk for reading difficulties, including dyslexia, based on the results of a reading diagnostic instrument. School districts are required to report in writing to a student's parent the results of the reading diagnostic instrument and whether the student is at risk for dyslexia or a related disorder. School districts also must report the results of the reading instruments to the school board and commissioner of education. In addition, districts must report electronically students' raw scores on the instrument to the Texas Education Agency (TEA) for use in the school-readiness certification system.

Districts may order the diagnostic instruments that meet commissioner-approved criteria online through TEA at no cost. However, no funds are provided for administration of the instrument or to train teachers in the appropriate way to apply results to the instructional program.

### *Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Paying for and providing training to implement these programs and reading instruments
- Purchasing supplies, equipment, technology, or programs

### *Citations:*

Texas Education Code, §§ 28.006, 29.161(d)  
TEA: "The Commissioner's List of Reading Instruments"

## ACCELERATED INSTRUCTION FOR STUDENTS IN GRADES 3–8

Districts must provide accelerated instruction to **every** student in grades 3–8 who does not pass **any** required state assessment. Prior to the 2009–10 school year, districts were only required to provide accelerated instruction to students in grades 3, 5, and 8 who failed a required state assessment in mathematics or reading. If the accelerated instruction is provided in a group setting to students in grades 5 or 8, there shall be no more than 10 students for each teacher. Districts may provide accelerated instruction before or after normal school hours and/or outside the normal school year.

During the 84th Texas Legislature, money was allocated through the Student Success Initiative (SSI) rider to fund scientifically validated and research-based programs that target the prevention of academic failure in reading and mathematics instruction. The SSI rider also directed the commissioner to issue a request for proposals for statewide licenses to provide supplemental computer-based reading and math instruction to help students struggling in reading and mathematics in grades 3–8. No funds were allocated in the rider to support accelerated instruction for students who do not meet the passing standard for the state tests other than reading and math (e.g., grades 4 and 7 writing tests, grade 5 science test, and grade 8 social studies test). Districts incur the costs related to providing computer access, supplies, physical facilities, and teachers to supervise the instruction and monitor progress for the student being provided the computer-based reading and math instruction. If districts do not have these resources, they may pay the vendors to provide the support services. Districts must use local funds for resources to help students who have not passed a state writing, science, or social studies test.

### *Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs

### *Citations:*

Texas Education Code, §§ 28.0211, .0213  
State Budget, Article III, Rider 46, Student Success Initiative

## **GRADE PLACEMENT FOR STUDENTS IN GRADES 5 AND 8**

If a student in grades 5 or 8 does not meet the passing standard after the second administration of the designated state test for mathematics and/or reading, school districts are required to convene a grade placement committee composed of the student's principal, teacher, and parent or guardian. The committee is charged with developing a plan that addresses the instructional needs of the student and, ultimately, determining whether the student is promoted or retained. The student must complete the prescribed instructional plan before the next school year begins before being promoted. The third opportunity to meet the passing standard on the state reading and/or mathematics tests occurs in July, potentially increasing the cost factors needed to provide the instruction in a diminished time frame before the next school year begins.

If the accelerated instruction is provided in a group setting, there can be no more than 10 students for each teacher. Districts may provide the accelerated instruction before or after normal school hours and/or outside the normal school year. If the accelerated instruction occurs outside of regular school hours, districts must provide transportation to the instructional programs. If a student does not meet the passing standard on the state mathematics and/or reading tests in

grades 5 and 8, the student must receive instruction in the next grade level from a teacher who meets all state and federal qualifications to teach that subject and grade.

School districts must notify the parent of the student's failure to perform satisfactorily on the assessment, the accelerated instruction being provided to the student, and the possibility of grade retention. School districts also are required to send additional notifications, such as the meeting schedule for the grade placement committee, to parents throughout the school year.

### *Cost Factors:*

- Increasing the workload of existing employees
- Extending contracts or paying stipends for summer work
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs
- Providing transportation

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 101, Subchapter BB  
Texas Education Code, §§ 28.0211, .0213  
TEA: *The Grade Placement Committee Manual for Grade Advancement Requirements of the Student Success Initiative*

## **ACCELERATED INSTRUCTION FOR HIGH SCHOOL STUDENTS**

School districts are required to provide accelerated instruction to each student who fails to meet the passing standard on any end-of-course (EOC) exam required for graduation. The five EOC exams are administered three times a year and include Algebra I, Biology, English I and English II, and US History. Accelerated instruction may require participation before or after normal school hours and may include participation at

times of the year outside normal school operations. However, compulsory attendance laws do not apply to this type of accelerated instruction requirement if the instruction occurs outside of typical school hours. The accelerated instruction also must occur before the next scheduled administration of the EOC exam, without cost to the student. Remediation that takes place during the summer months to help students who fail to meet the standard on the May administration results in additional costs to districts that must keep facilities open and staff available outside the calendar year.

A district may not budget compensatory funds from its allotment until the district adopts a budget to support the required accelerated instruction. No additional funding was allocated by the 84th Legislature to support this requirement.

*Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs

*Citations:*

Texas Education Code, §§ 25.085(d), 28.0217, 29.081, 39.025(b-1)

## **READING DIAGNOSIS FOR CERTAIN MIDDLE SCHOOL STUDENTS**

School districts are required to administer a diagnostic reading instrument to students in grade 7 who did not perform satisfactorily on the grade 6 state reading assessments and to provide accelerated (intensive) instruction to those struggling students. Districts are required to report in writing to a student's parent the results of the reading diagnostic instrument. In addition, districts must report the results of the reading instruments to the school board and commissioner of education.

Districts may order the diagnostic instrument that meets commissioner-approved criteria online through TEA at no cost. However, no funds are provided for administration of the instrument or to train teachers in the appropriate way to apply results to the instructional program.

*Cost Factors:*

- Requiring employee training
- Hiring additional employees (salary and benefits)
- Increasing the workload of existing employees

*Citation:*

Texas Education Code, § 28.006

## **DYSLEXIA SERVICES**

School districts are required to establish written procedures that outline the process of identifying students who have dyslexia or related disorders and to provide appropriate instructional services for those students following the rules established by the State Board of Education (SBOE). School boards are required to ensure that the procedures are in place and being implemented. A school district may purchase a reading instructional program or develop its own program and must ensure that teachers of students with dyslexia receive training in specific instructional strategies. School districts must provide each identified student with access to the teacher who has received the specific training at the student's campus.

School districts are required to notify parents and obtain parental consent before the evaluation process begins. Districts also must give notice of the Rehabilitation Act of 1973, Section 504, due process rights. In addition, school districts must provide a parent education program for parents or guardians of students receiving dyslexia or related services.



School districts are expected to use foundation, compensatory, or local funds for implementing the required dyslexia services.

*Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs
- Requiring employee training

*Citations:*

Texas Administrative Code, Title 19, Part 2,  
Chapter 74, Subchapter C, § 74.28  
Texas Education Code, §§ 28.006, 38.003  
TEA: *The Dyslexia Handbook—Revised 2014:  
Procedures Concerning Dyslexia and Related Disorders*

## IDENTIFYING PRESCHOOL STUDENTS FOR PREKINDERGARTEN PROGRAMS

School districts are required to develop a system to notify the population in the district with children who are eligible for enrollment in prekindergarten of the availability of such programs. The system must include notices issued in English and Spanish.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citation:*

Texas Education Code, § 29.153(e)

## COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION FOR AT-RISK STUDENTS

School districts are required to provide compensatory (intensive) instruction for students who are

at risk of dropping out of school. The instruction must be designed to enable the student to perform at grade level by the conclusion of the next school year or attain a standard of annual growth specified by the school district and reported by the district to TEA. Districts must evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider results. School districts may contract with a private or public, community-based dropout recovery education program to provide the compensatory education. The definition of “at-risk student” includes students up to the age of 26.

*Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs
- Outsourcing or contracting for appropriate services or equipment

*Citations:*

Texas Education Code, §§ 28.0213, 29.081

## PERSONAL GRADUATION PLAN FOR JUNIOR HIGH OR MIDDLE SCHOOL STUDENTS

School districts are required to develop and administer a personal graduation plan (PGP) for any student enrolled in junior high or middle school who does not meet the passing standard on a state assessment or who is not likely to receive a high school diploma within five years of enrolling in grade 9. The PGP must be individualized to identify educational goals for the student; include diagnostic information and appropriate monitoring, intervention, and other evaluation strategies; include an intensive instruction program; address parental participation; and provide innovative methods to promote student advancement.

*Cost Factors:*

- Purchasing supplies, equipment, technology, or programs
- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)

*Citation:*

Texas Education Code, § 28.0212

## **PERSONAL GRADUATION PLAN FOR HIGH SCHOOL STUDENTS**

School districts are required to publish on their websites the following information prepared by TEA, the Texas Workforce Commission, and the Texas Higher Education Coordinating Board: the benefits of earning a distinguished level of achievement with one or more endorsements under the Foundation High School Program to enable the student to achieve a class rank in the top 10 percent and information that encourages parents, to the greatest extent practicable, to have their children choose the distinguished level of achievement route of graduation.

School districts must ensure the information is available to students in grades 9 and above and the parents or legal guardians of those students in the language in which the parents or guardians are most proficient. Districts must provide the information in the parents' or guardians' most proficient language if at least 20 students in a grade level primarily speak that language.

High school principals must designate a school counselor or administrator to review the PGP options with each student entering grade 9 together with that student's parent or guardian. By the end of the school year, the student and parent/guardian must confirm and sign a PGP plan for the student. The PGP must promote college and workforce readiness and career placement

and advancement and must facilitate the student's transition from secondary to postsecondary education.

School districts must not prevent a student and parent/guardian from selecting a PGP that includes an endorsement or distinguished level of achievement. A student may amend the initial PGP, and if so, the school is responsible for sending written notice to the parent.

*Cost Factors:*

- Purchasing supplies, equipment, technology, or programs
- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)

*Citation:*

Texas Education Code, § 28.02121

## **INSTRUCTION IN HIGH SCHOOL, COLLEGE, AND CAREER PREPARATION**

Each school district must provide instruction to students in grade 7 or 8 on preparing for high school, college, and a career. Statute requires that the instruction include information on personal graduation plans, the distinguished level of achievement under the Foundation High School Program, each foundation program endorsement, college-readiness standards, and potential career choices and the education needed to enter those careers. School districts may provide the instruction as part of an existing required course, provide the instruction as part of an existing career and technical education (CTE) course designated by the SBOE for that purpose, or establish a new elective course. While The University of Texas was charged with creating a product that districts may use to meet this requirement, the product has not yet been published.

Each school district must ensure that this instruction occurs for every student, which means that “makeup” instruction will likely occur for students who otherwise miss the regularly scheduled instruction or course. Furthermore, the percentage of students who receive this instruction will be included in the state accountability system performance measures.

*Cost Factors:*

- Purchasing supplies, equipment, technology, or programs
- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)

*Citations:*

Texas Education Code, §§ 28.016, 39.053(c)(4)(B)(ii)(b)

## DROPOUT PREVENTION STRATEGIES

School districts and charter schools with high dropout rates are required to submit a plan to the commissioner of education describing how the district or charter school intends to use the compensatory education or high school allotment to implement research-based strategies for dropout prevention. The plan must be submitted by December 1 of the year preceding the year the funds will be received. School districts are prohibited from spending more than 25 percent of their compensatory education or high school allotment for this plan unless approved by the commissioner of education.

*Cost Factor:*

- Increasing the workload of existing employees

*Citation:*

Texas Education Code, § 29.918

## COUNSELING ABOUT POSTSECONDARY REQUIREMENTS

School counselors are required at the elementary and middle/junior high levels to counsel students and parents about the importance of postsecondary education. Counseling about postsecondary education is required each year of high school and must include detailed financial aid information, as well as the advantages of completing an endorsement and the distinguished level of achievement.

*Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional counselors (salary and benefits)

*Citation:*

Texas Education Code, § 33.007

## GIFTED AND TALENTED PROGRAM

School districts are required to adopt a process for identifying and serving gifted and talented students and to establish a gifted program at each grade level. State regulation requires teachers of gifted and talented students to have a minimum of 30 hours of professional development related to gifted education. The regulations also mandate that teachers of gifted and talented students receive a minimum of six hours of professional development in gifted education annually and that counselors and administrators who have authority for program decisions have a minimum of six hours of training related to gifted education. No more than 5 percent of a district’s students in average daily attendance (ADA) are eligible for state funding even though a district would not limit identification to 5 percent of its students.

*Cost Factors:*

- Requiring employee training
- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs

*Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 89, Subchapter A, §§ 89.1–.5  
Texas Education Code, §§ 29.121–.123, 42.156

## **COORDINATED SCHOOL HEALTH PROGRAM**

School districts are required to provide a coordinated school health curriculum for students in kindergarten through grade 8 that includes health education, physical education and activity, nutrition services, and parental involvement. School districts may develop a program that meets TEA criteria or purchase a TEA-approved program if they do not have the resources to develop their own program. No funds were appropriated for coordinated school health curriculum programs. The programs range in price depending on the size of campus populations and the number of people that need to be trained.

*Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs

*Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 102, Subchapter CC, § 102.1031  
Texas Education Code, §§ 28.004, 38.013

## **FOUNDATION HIGH SCHOOL GRADUATION PROGRAM**

Beginning with students who entered grade 9 in the 2013–14 school year, school districts are required to offer four years of English language arts, three years of mathematics, three years of science, three years of social studies, two years of a language other than English, one year of fine arts, one year of physical education, and five electives for students seeking to graduate under the Foundation High School Program. Students who complete four years of mathematics, four years of science, and two additional electives would earn an endorsement. A district must ensure that entering ninth-grade students indicate in writing the endorsements the students intend to earn. Endorsements include STEM (science, technology, engineering, and mathematics), Business and Industry, Public Services, Arts and Humanities, and Multidisciplinary Studies. The distinguished level of achievement is earned by a student who completes Algebra II and at least one endorsement. Note that SBOE rules and statute require numerous courses and essential knowledge and skills that must be offered and taught by a district even when these are not required for a student to graduate.

*Cost Factors:*

- Hiring additional employees (salary and benefits)
- Increasing the workload of existing employees
- Purchasing supplies, equipment, technology, or programs
- Requiring additional facilities or renovations

*Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 74  
Texas Education Code, § 28.025

## RELIGIOUS LITERATURE INSTRUCTION

As part of the enrichment curriculum, school districts and charter schools are required to offer instruction on religious literature, including the Hebrew Scriptures (Old Testament) and the New Testament, and the impact of these texts on history and literature. Districts are required to offer instruction on the historical and literary significance of religious literature but may choose either to incorporate such instruction into an existing class or teach it as a separate course. If a school district or charter school chooses to offer this instruction in an independent course and fewer than 15 students at a campus enroll in the course, the district or charter school is not required to offer the course at that campus for that semester.

### *Cost Factors:*

- Hiring additional employees (salary and benefits)
- Purchasing supplies, equipment, technology, or programs
- Requiring employee training

### *Citations:*

Texas Education Code, §§ 21.459, 28.002, .011  
Attorney General Opinion GA-0657 (August 8, 2008)

## COLLEGE CREDIT PROGRAM

School districts are required to implement a program by which a student may earn the equivalent of at least 12 semester hours of college credit in high school.

### *Cost Factors:*

- Purchasing supplies, equipment, technology, or programs
- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)

- Executing partnerships or agreements with community colleges

### *Citation:*

Texas Education Code, § 28.009

## CREDIT BY EXAM

School districts, using guidelines developed by the SBOE, are required to develop or select for review by the school board examinations for acceleration. This requirement applies for each primary school grade level and for credit for secondary school academic subjects. The school board must approve, to the extent available, for each subject at least four examinations satisfying SBOE guidelines.

School districts must administer each examination approved by the board of trustees not fewer than four times each year, at times determined by the SBOE. School boards may not charge fees for the administration of these exams.

The specific requirements in SBOE rules regarding local creation of tests for credit by examination purposes have nearly eliminated the option of locally developed exams. Statute also requires that advanced placement (AP) and College-Level Examination Program (CLEP) exams be included in the list of approved examinations, resulting in significant costs to districts.

### *Cost Factors:*

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing tests, supplies, equipment, technology, or programs

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 74  
Texas Education Code, §§ 11.158, 28.023

## STUDENT PHYSICAL FITNESS AND ASSESSMENT

School districts are required to schedule time for students in full-day prekindergarten and kindergarten through grade 5 to participate daily in 30 minutes of moderate to vigorous physical activity and for students in grades 6–8 to do the same for a minimum of four semesters. School districts must annually assess the physical fitness of students enrolled in grade 3 or higher in a course that satisfies the curriculum requirements for physical education. Districts must submit to TEA results of individual student performance on the FITNESSGRAM.

### *Cost Factors:*

- Hiring additional employees (salary and benefits)
- Increasing the workload of existing employees
- Requiring employee training
- Altering school/class schedules
- Purchasing supplies, equipment, technology, or programs
- Requiring additional facilities or renovations

### *Citations:*

Texas Education Code, §§ 28.002, .004, 38.101–.103

## FINE ARTS REQUIREMENT

School districts are required to ensure that each student completes at least one fine arts credit in grades 6, 7, and 8. SBOE rule requires that districts offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts, unless the commissioner of education waives this requirement for a middle school with less than 250 students. With a waiver, the district is still required to offer two of the four disciplines.

### *Cost Factors:*

- Purchasing supplies, equipment, technology, or programs
- Hiring additional employees (salary and benefits)

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 74, Subchapter A, § 74.3(a)  
Texas Education Code, § 28.002(c-1)

## CLASS SIZE LIMIT

School districts are required to maintain the 22-to-1 student-teacher ratio in kindergarten through grade 4. The school district is allowed to apply to the commissioner of education for a waiver during any 12-week period of the school year when the district's ADA is affected by migratory students. In determining the number of students to enroll in any class, a school district shall consider the subject to be taught, the teaching methodology to be used, and the need for individual instruction.

### *Cost Factors:*

- Purchasing supplies, equipment, technology, or programs
- Hiring additional employees (salary and benefits)
- Requiring additional facilities or renovations

### *Citations:*

Texas Education Code, §§ 25.112, 42.005(c)

## PERSONAL FINANCIAL LITERACY

Each school district that offers kindergarten through grade 12 must offer instruction in personal financial literacy, including instruction in methods of paying for college and other postsecondary education in math grades K–8 and for one or more courses offered for high school graduation.

A high school must offer an elective course in personal financial literacy for one-half elective credit under the Foundation High School Program. The instruction must include instruction on completing the applications for federal student aid provided by the US Department of Education.

*Cost Factors:*

- Increasing the workload of existing employees
- Requiring employee training
- Altering school/class schedules

*Citations:*

Texas Education Code, §§ 28.002–.0021

## **ADOPTION OF MAJOR CURRICULUM INITIATIVES BY A SCHOOL DISTRICT**

Before adopting a major curriculum initiative, a school district must include teacher input, provide district employees with the opportunity to express opinions regarding the initiative, and require a meeting of the board of trustees at which information regarding 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.

*Cost Factor:*

- Increasing the workload of existing employees

*Citation:*

Texas Education Code, § 28.002(g)

## **HUMAN SEXUALITY INSTRUCTION**

Prior to each school year, a school district is required to provide written notice to the parent of each student enrolled in the district of the school board's decision regarding whether the district will provide human sexuality instruction. If instruction will be provided, this notice must include a summary of the basic content, including what is required under state law; a statement of a parent's right to review the materials or remove a student from the district's instruction on human

sexuality; and information describing a parent's opportunity to participate in the local SHAC.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citation:*

Texas Education Code, § 28.004(i)–(j)

# Assessment and Accountability

## TEST ADMINISTRATION AND SECURITY PROCEDURES

School districts are required to comply with the security measures specified in the test administration procedures developed by TEA. Test administration materials include, but are not limited to, the following: general testing program information, requirements for ensuring test security and confidentiality, procedures for test administration, responsibilities of various personnel involved in test administration, and procedures for materials control. School districts are required to train all testing personnel to administer assessment instruments in a valid, standardized, and secure manner. School districts are required to maintain records related to the security of the assessment instrument for a minimum of five years.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, programs, or tests
- Requiring employee training

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 101, Subchapter CC, Division 3, § 101.3031  
Texas Education Code, § 39.0301

## END-OF-COURSE EXAMS

Students must meet satisfactory performance requirements on the five EOCs in order to graduate. TEA must assign a scale score on each required EOC and convert the score to an equivalent score on a 100-point scale. School districts are required to allow students who fail to achieve a minimum score on the assessment to retake the test. A school district is required to offer accelerated instruction to students who fail to achieve a score determined to be satisfactory by the commissioner of education on an EOC exam or who are at risk of dropping out of school.

### *Cost Factors:*

- Increasing the workload of existing employees
- Extending contracts or paying stipends for additional work
- Hiring additional employees (salary and benefits)

### *Citation:*

Texas Education Code, § 39.025

## COLLEGE PREPARATORY COURSES

Each school district must partner with at least one institution of higher education to provide college prep courses in mathematics and English language arts. The courses must be designed for 12th-grade students whose EOC scores do not meet college-readiness standards or whose coursework, college entrance exam score, or higher education assessment score for the Texas Success Initiative (TSI) shows the student is not ready for entry-level college coursework. The courses must be provided on the high school campus or through distance learning. School districts are required to develop or purchase course instructional materials, which must include technology resources to enhance effectiveness. Students must be informed of the benefit of this type of course, but a student is not required to enroll in the course.

### *Cost Factors:*

- Hiring additional staff (salary and benefits) or increasing the workload of existing staff
- Purchasing materials, supplies, technology, or programs
- Requiring time spent outside of instructional hours collaborating with higher education faculty

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 101  
Texas Education Code, § 28.014



## ADMINISTRATION OF TESTS TO HOME-SCHOOLED STUDENTS

School districts are required to permit home-schooled students who are eligible to attend a public school to take the Preliminary Scholastic Assessment Test (PSAT), the National Merit Scholarship Qualifying Test (NMSQT), and AP exams. If a fee to take one of these exams is charged to students enrolled in a district, homeschooled students are subject to the same fee. Currently, many districts do not charge students enrolled in the district to take these tests, and as a result of this law, districts cannot charge homeschooled students a fee either.

Districts are required to post test administration dates and procedural requirements for the PSAT, NMSQT, and AP exams on their websites. A school district that does not maintain a website must publish a notice in a newspaper in the district or county.

### *Cost Factors:*

- Increasing the workload of existing employees
- Outsourcing or contracting for appropriate services or equipment
- Purchasing tests

### *Citation:*

Texas Education Code, § 29.916

## PUBLIC DISCUSSION OF DISTRICT AND CAMPUS RATINGS

After receiving its accountability rating from TEA, the site-based decision-making committee for the district and for each campus must hold at least one public meeting to discuss the performance of the district and campus and performance objectives.

### *Cost Factor:*

- Increasing the workload of existing employees

### *Citations:*

Texas Education Code, §§ 11.252(e), .253(g)

## FINANCIAL INTEGRITY RATING SYSTEM OF TEXAS (FIRST)

School districts are required to report certain financial data to TEA, and TEA must assign a financial accountability rating to each district. School districts provide the information to TEA through various financial reports, audit reports, and data reported through the Public Education Information Management System (PEIMS). School districts must develop corrective action plans if assigned the lowest rating under the financial accountability system.

In addition, each school district is required to prepare and distribute an annual financial management report and provide the public an opportunity to comment on the report at a hearing.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing supplies, equipment, technology, or programs
- Outsourcing or contracting for appropriate services or equipment

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 109, Subchapter AA  
Texas Education Code, §§ 39.081–.086

## SANCTIONS FOR LOW-PERFORMING CAMPUSES

School districts are required to pay the costs of the sanctions imposed on low-performing campuses by the commissioner of education. The sanctions increase in severity and cost based on sequential years of low performance. Sanctions include, but are not limited to, the following: development of a campus turnaround plan, alternative management of a campus, the installation of a board of managers for the district, or closure of the campus. The parent(s) of a student

at a campus that has been rated academically unacceptable for five consecutive years is able to request one of two options—appointment of a board of managers or campus closure—through a written petition that states the preferred option. The board of trustees of the district in which the campus is located may present to the commissioner in writing a request that an alternative action be taken other than the option recommended in the parent petition. The trustees are required to explain the board’s basis for their request.

If alternative management is ordered, the district must enter into a contract with the managing entity, and the commissioner may require the district to support the campus in the same manner as the district was required to support the campus before the execution of the management contract.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing supplies, equipment, technology, or programs
- Contracting for appropriate services or equipment

*Citations:*

Texas Education Code, §§ 39.051–.052, .056–.058, .102–.115

- Gifted and talented programs
- The record of the district and each campus regarding compliance with statutory reporting and policy requirements

The ratings must be reported to TEA and the public and will be included in the state accountability system.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing supplies, equipment, technology, or programs

*Citation:*

Texas Education Code, § 39.0545

## COMMUNITY AND STUDENT ENGAGEMENT

A school district annually must evaluate the district and each of its campuses in community and student engagement and assign the district and each campus a rating of exemplary, recognized, acceptable, or unacceptable overall and for each of the following factors:

- Fine arts
- Wellness and physical education
- Community and parent involvement
- 21st Century Workforce Development
- Second language acquisition
- Digital learning environment
- Dropout prevention strategies



# Human Resources and Employee Relations

## **COST OF BENEFITS ASSOCIATED WITH STATE PAY INCREASE**

In 2006, the Legislature provided a pay increase of \$2,500 specifically for teachers, nurses, counselors, and librarians. In 2007 and 2009, the Legislature funded an additional amount for increased educator salaries. Although the Legislature provided funds for the pay increases, it failed to appropriate the corresponding funding needed at the district level for local contributions to the Teacher Retirement System (TRS), Medicare, unemployment compensation, workers' compensation, and, in some districts, Social Security.

### *Cost Factors:*

- Increasing the cost of benefits (employer contribution to TRS-Care and TRS)
- Requiring additional reporting

### *Citations:*

Texas Education Code, §§ 42.2513–.2514, .2516  
Texas Government Code, § 825.405  
General Appropriations Act, Article III, Teacher Retirement System

## **RETIREMENT BENEFITS CONTRIBUTION ABOVE STATE MINIMUM SALARY SCHEDULE**

School districts are required to pay to TRS a contribution for certain employees who receive more than the statutory minimum salary. The attorney general of Texas has ruled that across-the-board pay raises provided by the Legislature are not considered part of the state minimum salary schedule and that districts must pay the TRS contribution on the amount of the pay increase.

### *Cost Factors:*

- Increasing the amount districts pay for employee benefits
- Requiring additional reporting

### *Citations:*

Texas Government Code, § 825.405  
Attorney General Opinion GA-641 (July 3, 2008)

## **RETIREMENT BENEFITS CONTRIBUTION DURING FIRST 90 DAYS OF EMPLOYMENT**

School districts are required to pay the amount of the state's contribution to TRS for the first 90 days a new TRS member is employed in the district. A new TRS member is defined as "a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions and is reemployed after September 1, 2005." The Legislature establishes the contribution rate in the General Appropriations Act.

### *Cost Factor:*

- Increasing the cost of benefits

### *Citation:*

Texas Government Code, § 825.4041

## **CONTRIBUTION FOR EMPLOYEE HEALTH INSURANCE BENEFITS**

School districts are required to contribute between .25 and .75 percent of active employees' salaries to the TRS-Care plan, as determined by the General Appropriations Act. (The current amount is .55 percent.) School districts are now required to make a payment to TRS on the number of employees for whom the district does not pay the Medicare contribution tax under the federal Older-Age, Survivors, and Disability Insurance Program. A school district must pay an amount equal to 1.5 percent of the compensation of those employees as to whom the district does not pay the Medicare contribution tax (i.e., those persons who have worked for the district since before April 1, 1986).

School districts are required to pay an additional amount to TRS based on the compensation of all employees who are entitled to the current state minimum salary (full-time teachers, counselors, librarians, and nurses) or who would have been entitled to the minimum salary under the former law (TEC § 16.056). This payment is 1.5 percent of the state minimum salary of covered employees multiplied by the district's cost of education adjustment under TEC § 42.102. The contribution rate is subject to reduction, based on the state contribution rate, after 2015. These payments are to be used to fund the normal cost of the retirement system.

*Cost Factor:*

- Increasing the cost of benefits

*Citations:*

Texas Government Code, §§ 825.403–.4035  
Texas Insurance Code, § 1575.204  
General Appropriations Act, Article III, Teacher Retirement System

## CONTINUED GROUP HEALTH BENEFITS AFTER RESIGNATION

School districts are required to offer employees who resign after the last day of the instructional year the option to remain on the district's group health insurance program through the earlier of (1) the first anniversary of the date such coverage was first made available to the employee for the last instructional year 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.

*Cost Factor:*

- Increasing the cost of benefits

*Citation:*

Texas Education Code, § 22.004

## LEAVES OF ABSENCE

School districts are required to provide employees with paid and unpaid leave. Each type of leave imposes an unfunded mandate when a teacher is absent because the district has to hire a substitute. The paid and unpaid leave includes the following:

**Paid Leave:**

- *Minimum Personal Leave*  
School districts are required to provide five days of personal leave, which is transferable among districts.
- *Jury Duty Leave*  
School districts are required to pay an employee's salary while the employee is on jury duty.
- *Subpoenaed Witness Leave*  
School districts are required to provide paid leave during the duration of a subpoena.
- *Short-Term Military Leave*  
School districts are required to provide paid leave of no more than 15 days per federal fiscal year to a member of the state military forces, a reserved component of the armed forces, or a state or federally authorized urban search and rescue team.

**Unpaid Leave:**

- *Temporary Disability Leave*  
School districts are required to provide unpaid leave to employees who are certified by the State Board for Educator Certification (SBEC) for up to 180 calendar days for a temporary disability. The superintendent determines the length of an employee's leave within the maximum of 180 calendar days set by SBEC.
- *Religious Observance Leave*  
School districts are required to provide unpaid leave to employees in observance of religious holidays.
- *Long-Term Military Leave*  
School districts are required to provide unpaid leave up to five years from the date of induction, enlistment, or call to active military service.

- *Assault Leave*

An employee of a school district who is physically assaulted during the performance of the employee's regular duties is entitled to the number of days of leave necessary to recuperate from all physical injuries sustained as a result of the assault.

*Cost Factors:*

- Hiring additional employees (salary and benefits)
- Hiring substitutes

*Citations:*

Texas Education Code, §§ 21.406 (Religious Holiday Leave), .409 (Temporary Disability Leave), 22.003 (Personal Leave), .003(b) (Assault Leave), .006 (Jury Duty Leave)  
Texas Government Code, §§ 437.202 (Short-Term Military Leave), 613.001–.006 (Long-Term Military Leave)  
Texas Labor Code, § 52.051 (Subpoenaed Witness Leave)

## ORDER OF PERSONAL AND/OR SICK LEAVE

School districts are prohibited from placing restrictions on an employee's use of personal leave by prescribing the order in which the employee must use state personal leave and any additional personal leave provided by the district. Employees who retain sick leave from the former system (earned prior to 1995) may use that sick leave or any accumulated personal leave in any order as long as the use is appropriate for the leave.

*Cost Factors:*

- Hiring additional employees (salary and benefits)
- Hiring substitutes

*Citation:*

Texas Education Code, § 22.003

## CRIMINAL BACKGROUND CHECKS

School districts are required to ensure that a national criminal history background check (fingerprint) or a name-based criminal background check is performed for all school employees, volunteers, contractors, and job applicants. Contractors and certain employees of contractors must undergo some form of criminal background check, and school districts must assist TEA and SBEC in the collection and monitoring of information used in the reviews.

*Cost Factors:*

- Increasing the workload of existing employees
- Requiring employee training

*Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 153, Subchapter DD  
Texas Education Code, §§ 8.057, 12.1059, 21.007, .048, .060, 22.081–.085, .087, 38.022

## HIRING INDEPENDENT HEARING EXAMINERS AND COURT REPORTERS

School districts are required to hire an independent hearing examiner and court reporter if a teacher requests a hearing to dispute a proposed contract termination or suspension without pay.

*Cost Factor:*

- Paying required fees

*Citations:*

Texas Education Code, §§ 21.251, .255, .256

## SAFETY TRAINING RELATED TO EXTRACURRICULAR ATHLETIC ACTIVITIES

School districts are required to provide safety training courses for all coaches, trainers, sponsors, and certain physicians who assist with extracurricular athletic activities. Elements of the training include cardiopulmonary resuscitation

(CPR), emergency action planning, effective communication with 9-1-1 emergency operators, and recognition of the symptoms of potentially catastrophic injuries, including head and neck injuries. The training also must include certification of participants by the American Red Cross, the American Heart Association, or the University Interscholastic League (UIL), as determined by the commissioner of education.

*Cost Factors:*

- Outsourcing or contracting for appropriate equipment or services
- Increasing the workload of existing employees

*Citation:*

Texas Education Code, § 33.202

## **TRAINING IN DETECTION OF STUDENTS WITH MENTAL HEALTH ILLNESS**

A local school health advisory council (SHAC) must recommend policies, procedures, strategies, and curriculum appropriate for specific grade levels in the following areas: obesity, cardiovascular disease, Type 2 diabetes, mental health concerns, school health services counseling and guidance services, a safe and healthy school environment, and school employee wellness. Each school district must provide training on recognizing students at risk of committing suicide, including students who are or may be the victims of or who engage in bullying; recognizing students displaying early warning signs and a possible need for early mental health intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self or others; and intervening effectively with students described above by providing notice and referral to a parent or guardian so that appropriate action, such as seeking mental health services, may be taken by a parent or guardian. A school district must provide this training to teachers, counselors, principals, and all other appropriate personnel.

Whether the training is developed locally by a SHAC or is a program provided by the Department of State Health Services, all appropriate personnel must participate in the training at least one time, and the school district must maintain records that include the name of each district employee who participated in the training.

*Cost Factors:*

- Increasing the workload of existing employees
- Requiring employee training
- Outsourcing or contracting for appropriate equipment or services

*Citations:*

Texas Civil Practices and Remedies Code, § 74.151(e)

Texas Education Code, §§ 21.044(c-1), 28.004(c)

Texas Health and Safety Code, §§ 161.325(b), (c-1)–(c-2), .326

## **MENTAL HEALTH PROMOTION, SUBSTANCE ABUSE, AND SUICIDE PREVENTION TRAINING FOR EDUCATORS IN PUBLIC SCHOOLS**

A school district must include mental health promotion, substance abuse, and suicide prevention training as a part of staff development for teachers, counselors, principals, and other appropriate personnel. The training must be provided on an annual basis as part of new employee orientation and on a schedule to existing employees. The training must use a best practice-based program recommended by the Texas Department of State Health Services in coordination with TEA.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citations:*

Texas Education Code, § 21.451(d), (d-1), (d-2)

Texas Health and Safety Code, § 161.325

# Safe Schools

## AUTOMATED EXTERNAL DEFIBRILLATORS

School districts are required to make available at every campus at least one automated external defibrillator (AED). A campus AED must be readily available during any UIL athletic competition held on the campus. School districts must provide training in the use of an AED to each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and student who serves as an athletic trainer, and any other school employee specified by the commissioner. School districts also are required to make available annually to district employees and volunteers instruction in the principles and techniques of CPR and the use of an AED. School districts also must ensure that each defibrillator is maintained or reprogrammed as necessary in accordance with standards set forth in the Texas Health and Safety Code.

### *Cost Factors:*

- Purchasing additional supplies, equipment, technology, or programs
- Requiring general maintenance and upkeep of equipment
- Requiring employee training

### *Citations:*

Texas Education Code, §§ 22.902, 38.017–.018, 44.047

## INSTRUCTION IN CPR IN SECONDARY EDUCATION CURRICULUM

School districts are required to provide instruction in CPR for students in grades 7–12. The training can be attached to any course, but students must have the training at least once before graduation.

### *Cost Factors:*

- Purchasing additional supplies, equipment, technology, or programs
- Requiring general maintenance and upkeep of equipment

### *Citation:*

Texas Education Code, § 28.0023(b)–(g)

## USE OF EPINEPHRINE AUTO-INJECTORS ON SCHOOL CAMPUSES AND AT OFF-CAMPUS SCHOOL EVENTS

A school district may adopt a policy authorizing school personnel or volunteers to use epinephrine auto-injectors to administer prescription medication to a person reasonably believed to be experiencing an anaphylactic reaction on campus or at or in transit to or from an off-campus school event. Each campus must have one or more school personnel members or volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

Not later than the 10th day after the date a school personnel or volunteer administers an epinephrine auto-injector, the school must report the following information to the district, the physician or other person who prescribed the epinephrine auto-injector, the commissioner of education, and the commissioner of state health services:

- The age of the person who received the administration
- Whether the person was a student, personnel member, volunteer, or visitor
- The physical location of the administration
- The number of doses administered
- The title of the person who administered the epinephrine auto-injector
- Other information required by the commissioner of education



A school district that implements a policy for epinephrine auto-injectors must provide annual training on recognizing the signs and symptoms of anaphylaxis; administering an epinephrine auto-injector; implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and properly disposing of used or expired epinephrine auto-injectors. Training records must be maintained by the district. Furthermore, a school district must provide written notice to a parent or guardian of each student before the policy is implemented and before the start of the school year.

*Cost Factors:*

- Purchasing additional supplies, equipment, technology, or programs
- Requiring general maintenance and upkeep of supplies
- Requiring employee training

*Citations:*

Texas Education Code, §§ 38.0151(f), .201–.215

## **DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS (DAEP)**

School districts are required to provide a disciplinary alternative education program (DAEP) for students who have violated the student code of conduct. School districts that provide a DAEP must employ only certified teachers. A DAEP must be located in a setting other than a student's regular classroom. All DAEPs are required to comply with TEA health and safety standards, class size limits, and training requirements for teachers in behavior management. Districts must provide a student placed in a DAEP the opportunity to complete any course in which the student was enrolled at the time of the student's removal. Each school in the district is required to report annually to the commissioner of education information identifying the student, including the

student's race, sex, and date of birth; the conduct for which the student was removed from class; the length of the DAEP placement; and the number of full or partial days the student was assigned to the placement.

*Cost Factors:*

- Hiring additional employees (salary and benefits)
- Requiring employee training
- Requiring additional facilities or renovations
- Purchasing additional supplies, equipment, technology, or programs
- Increasing the workload of existing employees

*Citations:*

Texas Education Code, §§ 37.008, .020–.021

## **CRIMINAL STREET GANG DATABASE**

School district law enforcement agencies are required to compile information into an intelligence database to investigate and prosecute criminal street gangs. In cities with a population of 50,000 or more or counties of 100,000 or more, the school district law enforcement agencies also must compile similar information in a local or regional intelligence database. Persons entering data into an intelligence database must complete training every two years.

*Cost Factors:*

- Increasing workload for existing employees
- Purchasing materials or training

*Citations:*

Texas Code of Criminal Procedure, §§ 61.02(a), (b), (b-1), .03(a), (c), .04(b), (d), .12

## EMERGENCY OPERATIONS PLAN

School districts are required to adopt and implement a multihazard emergency operations plan that addresses mitigation, preparedness, response, and recovery, as defined by the Governor's Office of Homeland Security. Districts must provide training to address emergency situations. Districts also must conduct security audits and school drills for staff and students. Both of these must be done in conjunction with local emergency management agencies, law enforcement, and fire departments. The security audit of the district's facilities must be completed at least once every three years, and the district must report the results of the audit to the school board and to the Texas School Safety Center.

While the multihazard plan itself is confidential, a school district must prepare and release a document that enables a person to verify that the district has an appropriate emergency response plan that has been reviewed in the last 12 months; that district employees have received training in responding to emergencies; that the district conducts school drills and has completed a safety and security audit; and that the district has established a visitor policy governing building access, among other things. Districts also must establish a school safety and security committee.

### *Cost Factors:*

- Increasing the workload of existing employees
- Requiring employee training
- Outsourcing or contracting for appropriate equipment or services

### *Citations:*

Texas Education Code, §§ 37.108–.109, .202–.203, .207, .209, .2091, .2121, .213, .216, .2161

## SCHOOL RESOURCE OFFICERS AND PEACE OFFICERS USE OF RESTRAINT

State law provides that if a peace officer is employed or commissioned by a school district or provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and local law enforcement, then reporting requirements regarding the use of restraint would apply. Specifically, a school district must report electronically to TEA information related 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 submitted must be consistent with the report used for reporting the use of restraint involving students with disabilities.

### *Cost Factor:*

- Increasing the workload of existing employees

### *Citation:*

Texas Education Code, § 37.0021(b)(4), (g), (h), (i)

## MODEL TRAINING CURRICULUM AND REQUIRED TRAINING FOR CERTAIN SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS

A school district with an enrollment of 30,000 or more students that commissions a school district peace officer or at which a school resource officer (SRO) provides law enforcement must adopt a policy requiring the officer to complete education and training programs regarding child and adolescent development and psychology; positive behavioral interventions and support, conflict resolution techniques, and restorative justice techniques; de-escalation techniques and techniques for limiting the use of force, including the use of physical, mechanical, and chemical

restraints; the mental and behavior health needs of children with disabilities or special needs; and mental health crisis intervention. A school district peace officer or an SRO must complete the training within 120 days of the officer's commission by or placement in the district or a campus of the district.

*Cost Factors:*

- Requiring employee training
- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citations:*

Texas Education Code, § 37.0812

Texas Occupations Code, §§ 1701.262, .263

# Special Education

In addition to federal mandates imposed by the Individuals with Disabilities Education Act (IDEA), state laws require the following of school districts:

## IDENTIFYING PRESCHOOL STUDENTS FOR SPECIAL EDUCATION SERVICES

School districts are required to develop a system to notify district residents with children ages 3–5 who are eligible for enrollment in a special education program of the services available.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Education Code, § 29.009

## TRANSLATION OF THE INDIVIDUALIZED EDUCATION PROGRAM

School districts are required to provide non-English-speaking parents of students receiving special education services with a written or audiotaped copy of the student's individualized education program (IEP) translated into Spanish if Spanish is the parent's native language. If the parent's native language is a language other than Spanish, the district must make a good faith attempt to provide the parent with a written or audiotaped copy of the IEP translated into the parent's native language.

### *Cost Factors:*

- Purchasing additional supplies, equipment, technology, or programs
- Outsourcing or contracting for appropriate services or equipment

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 89, Subchapter AA, Division 2, § 89.1050(i)  
Texas Education Code, § 29.005(d)

## IEP FACILITATION

A school district that chooses to use IEP facilitation must provide information regarding the method to parents. The district's notice must describe the manner in which a person may request IEP facilitation. The information must be made available in writing or electronically and must be provided with other information given to a parent of a student with a disability. The facilitator must be either a district employee, independent contractor, or another qualified individual. The district must also provide the facilitation at no cost to the parent.

### *Cost Factors:*

- Hiring additional employees
- Increasing the workload of existing employees

### *Citations:*

Texas Education Code, §§ 29.019–.020

## TRANSITION PLAN AND SERVICES

When a student receiving special education services turns 14 years old (or younger if the student's admission, review, and dismissal committee deems appropriate), school districts are required to include in the student's IEP a list of the "transition services" required to improve the student's academic and functional achievement in order to facilitate the student's movement from school to postschool activities. This list must be updated annually. "Transition services" means a coordinated set of activities for a student with dis-

abilities that includes instruction, related services, community experiences, development of employment or other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

A school district must designate one or more employees to serve as its designee for the purpose of coordinating transition and employment services for students receiving special education services. The employee must satisfy the training guidelines outlined by TEA. The employee must provide information and resources about effective transition planning and services. The employee must also provide interagency coordination to guarantee school staff communicate and work with students receiving special education services and their parents, as well as the appropriate staff at the Texas Health and Human Services, Texas Department of Aging and Disability Services, Texas Department of Assistive and Rehabilitative Services, and Texas Department of Family and Protective Services.

*Cost Factors:*

- Hiring additional employees (salary and benefits)
- Increasing the workload of existing employees
- Requiring additional facilities or renovations
- Purchasing additional supplies, equipment, technology, or programs

*Citations:*

Texas Administrative Code, Title 19, Part 2,  
Chapter 89, Subchapter D, § 89.63  
Texas Education Code, §§ 29.011–.0112

## **VIDEO CAMERAS IN SPECIAL EDUCATION SETTINGS**

Upon request by a parent, trustee, or staff member, a school district must provide equipment, including a video camera, to each school in the district in which a student who receives special education services in a self-contained classroom

or other classroom setting is enrolled. The school district must place, operate, and maintain one or more video cameras in each self-contained classroom setting in which a majority of the students in regular attendance are 1) provided special education and related services and 2) assigned to a self-contained classroom for at least 50 percent of the instructional day. The school district must continue to operate and maintain the camera for as long as the special education classroom continues to meet these requirements and to retain video recordings for at least six months after the date of recording.

School districts are prohibited from using IDEA federal funds or state special education funds to comply with this statute. Although grants are permitted, TEA anticipates having no funding available for grants.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs
- Records retention costs

*Citations:*

Texas Education Code, §§ 26.009(b), 29.022,  
42.2528

# Governance and General Administration

## SCHOOL DISTRICT ELECTION SCHEDULE AND DATES

Election dates and timelines have been adjusted to correspond with the Federal MOVE Act to allow the secretary of state's office to provide, in a timely manner, information regarding registration and absentee ballot procedures to be used by military and overseas citizens. The election procedures affect filing deadlines for school district and junior college board of trustee candidates. For a uniform election date, the day of the filing deadline is the 71st day before election day. For write-in candidates, the filing deadline is not later than 5 p.m. of the 74th day before the general election and the 71st day before the uniform election day. For statewide congressional and county offices, the filing deadline would be moved to the second Tuesday in December.

The primary election date is maintained, but the primary runoff changed to the fourth Tuesday in May. Local political subdivisions (including school districts) have the following options for their elections: first Saturday in May of odd-numbered years; first Saturday in May of even-numbered years except a county would not be required to conduct the election; and the November general election. School trustees have been given until December 31, 2016, to change from May election to the November general election by board resolution. General-law municipalities have the opportunity to change terms and to stagger their terms, as well as conforming changes for municipal utility districts, water improvement districts, and hospital districts.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs
- Paying required fees

### *Citations:*

Texas Education Code, §§ 11.055(a), .056(b), .059(e), 130.0825(b)

Texas Elections Code, §§ 3.005, 41.001, .0052, .007, 142.010, 143.007, 144.005–.006, 171.0231, 172.052

## LOCAL SCHOOL HEALTH ADVISORY COUNCIL

The school board is required to establish a SHAC to assist in ensuring that local community values are reflected in the district's health education instruction. The school district must consider the recommendations of the advisory council before changing the district's health education instruction. The school district must include strategies for integrating health education curriculum with school health services, counseling services, safe and healthy school environments, and school employee wellness. Elementary, middle, and high school physical education policy requirements must be included in the student handbook posted on a school district's website, if the district maintains a website. Additionally, statements noting the number of times the council met and whether the district has adopted and enforced policies and procedures relating to vending machines and tobacco use must be published in the handbook and posted on the district's website, if the district maintains a website.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Education Code, § 28.004

## SCHOOL BREAKFAST AND LUNCH PROGRAM

If at least 10 percent of students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program, the school district is required to participate and make the program available to all eligible students in the school. School districts must collect and report quarterly to the Department of Agriculture, TEA, and the Texas Health and Human Services data identifying eligible children under the national free or reduced-price breakfast and lunch program.

School districts do not receive any funding from the state for the breakfast program; the state simply administers the program. The funding provided by the federal government does not cover all the costs associated with the program. As long as 80 percent of the district's students qualify for free or reduced-price breakfasts, the district must bear a significant amount of the program's costs.

Those school districts participating in the national school breakfast program in which 80 percent or more of the students qualify for free or reduced-priced breakfast must offer a free breakfast to each student. If the board wishes to request a waiver to this requirement, it must do so at the meeting at which the annual budget is being considered, and it must list the waiver as a separate action item for consideration and provide opportunity for public comment.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Agriculture Code, § 12.041  
Texas Education Code, § 33.901(b), (c)

## OPEN RECORDS REQUESTS UNDER THE TEXAS PUBLIC INFORMATION ACT

School districts are required to make available to the public complete information about the affairs of school districts and the official acts of public officials and employees. When a person follows established procedures to request public information, school districts must provide the requested information within a prompt and reasonable time frame on business days during normal business hours. School board members and certain district personnel must receive training in the requirements of the Open Meetings Act and the Texas Public Information Act.

School districts are not permitted to charge a requester for the personnel time it takes to comply with a public information request until at least 36 hours of district personnel time have been consumed by a single requester during a 12-month period. In that time, the school district may recover personnel costs associated with additional public information requests from the same requester. School districts must provide requesters with a written statement of the personnel time it took to comply with each public information request and a cumulative total of time during the applicable 12-month period.

In addition, public information requests from radio stations, newspapers of general circulation published on the Internet, and magazines that are either published at least monthly or which are on the Internet are exempt from these charges.

### *Cost Factors:*

- Requiring employee training
- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Government Code, §§ 552.002, .012, .021, .261, .263, .275

## AUDIO AND VIDEO RECORDINGS OF SCHOOL BOARD OPEN MEETINGS

A school district with an enrollment of 10,000 or more students must make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting. These districts also must make available an archived copy of the video and audio recording of each applicable meeting on the Internet. The archived recordings must be posted not later than seven days after the date the recording was made, and the district must maintain the archived recording on the Internet for not less than two years after the date of the recording.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Government Code, § 551.128(b)–(c)

## INTEGRATED PEST MANAGEMENT PROGRAM

School districts are required to adopt an integrated pest management program (IPM) for the purposes of exterminating insects, rodents, and bugs from school campuses. Districts are required to use a structural pest control business or have an employee who is certified and licensed to perform pest control applications serve as the district's IPM coordinator. An IPM coordinator is required to apply for a noncommercial pesticide applicator license and to submit an annual license fee to the Department of Agriculture. The IPM coordinator is responsible for managing the application of pesticides in the school facilities and on school grounds. The pesticide application program must include guidelines governing the minimum distance between the area applied and the area where students are present, the minimum amount of time a school is required to wait

after pesticides have been applied, and requirements for posting notices of indoor and outdoor use of pesticides and maintaining records of the application of pesticides. IPM coordinators must successfully complete six hours of continuing education every three years.

### *Cost Factors:*

- Requiring general maintenance and upkeep
- Outsourcing or contracting for appropriate equipment or services
- Increasing the workload of existing employees
- Paying required fees

### *Citation:*

Texas Occupations Code, § 1951.212

## INSPECTION OF SCHOOL FOOD ESTABLISHMENTS

School districts that do not fall under the jurisdiction of a local health department are required to pay a fee to the Texas Department of State Health Services for the annual inspection of school food establishments.

### *Cost Factor:*

- Paying required fees

### *Citations:*

Texas Administrative Code, Title 25, Part 1, Chapter 229, Subchapter Z  
General Appropriations Act, Article II

## INSPECTION OF PORTABLE OR MODULAR BUILDINGS

School districts are required to have any portable or modular building capable of being relocated that is purchased or leased after January 1, 2010, inspected for use as a school facility. The portable or modular building must be inspected by the local building authority or by a third-party inspector, if the local building authority does not perform such inspections, to ensure compliance



with mandatory building codes for industrialized buildings. The inspector must have at a minimum a current certification from the International Code Council to perform commercial inspections on portable or modular buildings.

*Cost Factor:*

- Paying required fees

*Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC, § 61.1036  
Texas Occupations Code, §§ 1202.002–.004, .1535

## SCHOOL BUS EMISSIONS TESTING

School districts are required to have all gas-powered vehicles inspected if the vehicles are between 2 and 24 years old and operate in an ozone nonattainment area as designated by the Environmental Protection Agency. Vehicles must pass an annual emissions test during safety inspection.

*Cost Factors:*

- Paying required fees
- Increasing the workload of existing employees

*Citations:*

Texas Health and Safety Code, §§ 382.202–.203

## ASBESTOS REMOVAL CERTIFICATION

School districts are required to hire only certified personnel to engage in activities involving asbestos removal. Only persons who have completed a training course of at least eight hours are allowed to remove asbestos materials. The law mandates that school districts maintain records of the licensing and registration of each person employed in an asbestos-related capacity.

*Cost Factors:*

- Requiring general maintenance and upkeep
- Outsourcing or contracting for appropriate equipment or services
- Increasing the workload of existing employees
- Requiring employee training

*Citation:*

Texas Occupations Code, Chapter 1954

## LEAD-ABATEMENT CERTIFICATION

School districts are required to hire only specially certified personnel to engage in any activity involving lead-based paint or any lead-abatement activities at a facility occupied by a child 6 years of age or younger, including a daycare center, preschool, or kindergarten classroom.

*Cost Factors:*

- Increasing the workload of existing employees
- Requiring employee training
- Paying required fees

*Citations:*

Texas Occupations Code, §§ 1955.001, .051

## NATURAL GAS AND LIQUEFIED PETROLEUM PIPE TESTING

School districts are required to test the natural gas piping on each campus every two years. The testing method of liquefied petroleum gas systems in school facilities changed in 2009 from pressure testing to leakage testing, and the test must be conducted in accordance with safety rules established by the Railroad Commission of Texas. School districts must maintain documentation locally for five years from the date a test or inspection was performed. The law directs a district to provide written notice of the test results to the district's local natural gas supplier. A local gas supplier is required to terminate service to

a district if the supplier is notified of a gas leak during a test or if a district fails to perform a test.

*Cost Factors:*

- Purchasing additional supplies, equipment, or technology
- Providing general maintenance and upkeep
- Outsourcing or contracting for appropriate equipment or services

*Citations:*

Texas Natural Resources Code, §§ 113.351–.355  
Texas Utilities Code, §§ 121.501–.503

## RECYCLED MATERIALS AND SOLID WASTE MANAGEMENT

A school district is required to establish a program for the separation and collection of all recyclable materials generated by the district's operation, including aluminum, steel containers, aseptic packaging, polycoated paperboard cartons, high-grade office paper, and corrugated cardboard. School districts shall provide procedures for collecting and storing recyclable materials, providing containers for recyclable materials, and making contractual or other arrangements with buyers of recyclable materials. School districts must evaluate the amount of material recycled, modify the program as necessary to ensure that all recyclable materials are effectively and practicably recycled, and establish educational and incentive programs to encourage maximum employee participation. When purchasing, school districts also are required to give preference to recycled products.

*Cost Factors:*

- Outsourcing or contracting for appropriate equipment or services
- Increasing the workload of existing employees
- Requiring employee training

*Citations:*

Texas Health and Safety Code, §§ 361.425–.426

## CONSTRUCTION CONTRACTS FOR FACILITIES

### Competitive Bidding

If a school district selects the competitive bidding method for the construction, alteration, rehabilitation, or repair of a facility, it must advertise for bids for the contract and award the contract to the lowest-responsible bidder. The school district must prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid. Upon receiving the bids, the school district must read aloud the names of the offerors and their bids at a public meeting. Within seven days after the contract is awarded, the school district must document the basis of its selection and make the evaluations public.

### Manager-at-Risk

School districts may use the construction manager-at-risk method for the construction, rehabilitation, alteration, or repair of a facility. A district must prepare a request for proposals or for qualifications that includes general information on the project site, project scope, schedule, selection criteria, and estimated budget; the time and place for receipt of proposals or qualifications; a statement as to whether the selection process is a one- or two-step process; and other information that may assist the district in its selection of a construction manager-at-risk. The district must state the selection criteria in the request for proposals or qualifications. Additionally, a construction manager-at-risk must publicly advertise and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work.

### Competitive Sealed Proposals

School districts may select a contractor for construction, rehabilitation, alteration, or repair services for a facility through competitive sealed proposals. The district must prepare a request for competitive sealed proposals that includes con-

struction documents, selection criteria, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request. The request for proposals must state the selection criteria. The district must 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.

### **Design-Build Method**

School districts may use the design-build method for the construction, rehabilitation, alteration, or repair of a facility. The school district must prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria and the weighted value for each criterion, and other information that may assist potential design-build firms in submitting proposals. The school district must rank each proposal submitted on the basis of the criteria, and not later than seven days after the date the contract is awarded, the school district must make the rankings public.

#### *Cost Factors:*

- Outsourcing or contracting for appropriate equipment or services
- Increasing the workload of existing employees
- Requiring employee training

#### *Citations:*

Texas Government Code, §§ 2269.101–.105, .151–.155, .251–.258, .306–.3011

### **POSTING OF PROPOSALS AND PUBLIC COMMENT AND ACCESS TO PROCUREMENT RECORDS**

Within 10 days of accepting a proposal and prior to entering into an interim or comprehensive agreement, a governmental entity must provide

notice of the proposal on the entity's website or in a newspaper of general circulation in the area where the project will be located and must make a copy of the proposal available for public inspection. Some information (e.g., trade secrets, proprietary information, and financial records) may be excluded from this disclosure. The governmental entity must hold a public hearing on the proposal and take public comment no later than 30 days before entering into an interim or comprehensive agreement.

#### *Cost Factors:*

- Increasing the workload of existing employees
- Paying required fees

#### *Citations:*

Texas Government Code, §§ 2267.066, 2269.052

### **TRAINING FOR CHILDCARE FACILITY AND REGISTERED FAMILY HOME EMPLOYEES AND OPERATORS**

The Department of Family and Protective Services (DFPS) is required to set minimum training standards for before- or after-school and school-age programs. DFPS may not require more initial or annual training hours than the number of hours required for a director or operator of a state-listed facility, employees who have no previous training or less than two years of employment experience in a regulated childcare facility, and a director of a daycare center or group daycare home.

#### *Cost Factors:*

- Increasing the workload of existing employees
- Requiring employee training

#### *Citations:*

Texas Human Resources Code, §§ 42.0421–.0426

# Reporting Requirements

## **PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS) DATA REPORTING**

School districts are required to adopt a uniform accounting system and report specified academic, demographic, and financial data to TEA. There are numerous data elements in PEIMS, including specified academic, demographic, and financial data elements, such as the following:

- Student demographic data
- Student enrollment data, including campus, grade, special program participation, and various indicators of student characteristics
- Student academic performance, including extensive information regarding student performance on state assessments; ACT and SAT results; percentage of students taking accelerated instruction, disaggregated by grade level; the percentage of students promoted by a grade placement committee (GPC); and the percentage of limited English proficient (LEP) students exempted from the state assessments
- Student attendance information for each six-week period and special program participation
- Course completion data for grades 9–12, including results of “articulated postsecondary degree programs” and certified workforce training programs
- Student graduation information, including percentage of students who enroll and begin college during the year following high school graduation and the percentage of students who complete their first year of college without remedial instruction
- School leaver information
- Disciplinary actions
- Special education data
- Federal data required by the Elementary and Secondary Education Act, Title I, Part A
- Personnel data, including demographic information, highest degree level, years of professional experience, employment history data, and work assignments
- School district finances, including both budgeted and actual revenue and expenditures disaggregated by object and function, shared services, organization, and programs
- The cost of using school buses for purposes other than transportation of students to and from school
- Prekindergarten program data, including student demographic and eligibility data, the number of half- and full-day classes offered, and sources of funding
- Number of students enrolled in the Foundation High School Program
- Number of students pursuing the distinguished level of achievement under the foundation program
- Number of students enrolled in a program to earn an endorsement under the foundation program
- The enrollment of students who are military connected
- The foster care status of students
- Grade-level retention
- Number of students identified as having dyslexia
- Results of assessment instruments administered to students enrolled in the Texas Virtual School Network (separately from other student assessment results)
- If a district is required to offer a bilingual or special language program, the demographic information of eligible students, the number and percentage of students enrolled in each type of instructional model, the number and percentage of students identified as LEP not receiving services, and the classification of the district’s bilingual and English as a second language (ESL) programs

There are numerous submission requirements throughout the year. Each additional reporting requirement imposes additional costs to a school district.

#### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

#### *Citations:*

Texas Education Code, §§ 29.083, .1532, 34.010(b), 39.301, 42.006(c)(1)

## **ELECTRONIC STUDENT RECORD SYSTEM**

School districts are required to participate in an electronic student records system, which allows the electronic transfer of students' records between school districts, charter schools, and institutions of higher education. The student transcripts must include course or grade completion, teachers of record, assessment results, special education services received, individualized education program, and personalized graduation plans. The electronic student record system also must include data from the following programs:

- **Child Nutrition Program Information Management System (CNPIMS)**

CNPIMS is designed to meet the administrative data requirements of the National School Lunch, School Breakfast, and Afterschool Snack reimbursement systems.

- **The 21st Century Tracking and Reporting System**

This system tracks student participation in out-of-school activities for the Texas 21st Century Community Learning Centers grant program (189 data elements).

- **Educational Materials (EMAT) System**

A web-based ordering system, EMAT allows schools to place textbook orders, adjust student enrollments, and update district inventories (100 data elements).

- **E-Grants**

This web portal allows districts to submit applications and related documentation for approximately 57 percent of the grant programs TEA administers.

There are also 18 paper data collection instruments and short-term data collections, such as one-time surveys or transitional collection systems, for which school districts must report data.

#### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

#### *Citations:*

Texas Education Code, §§ 7.010(c)–(d), .029(b-1), 25.006(c), 28.025(e-2), 29.066(a)–(b)  
*2010 Comprehensive Annual Report on Texas Public Schools*, p. 153–55

## **BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM REPORTS**

Districts required to offer bilingual education or special language programs must report additional information to TEA to assist the agency in evaluating the effectiveness of the programs. TEA has adopted rules that require a classification system for bilingual education and special language programs.

#### *Cost Factor:*

- Increasing the workload of existing employees

#### *Citation:*

Texas Education Code, § 29.066

## **COMPENSATORY EDUCATION ALLOTMENT REPORT**

School districts and charter schools are required to report annually to TEA through PEIMS financial information relating to expenditures of the state compensatory education allotment.

#### *Cost Factor:*

- Increasing the workload of existing employees

#### *Citation:*

Texas Administrative Code, Title 19, Part 2, Chapter 109, Subchapter B, § 109.25

## TRUANCY PREVENTION

School district attendance officers and/or peace officers must apply truancy prevention measures when a student fails to attend school without excuse on three or more days or parts of days within a four-week period. A referral by the district to truancy court must be accompanied by a statement from the student's school certifying that the school applied the truancy measures but that those measures failed to address the conduct.

Districts must employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures, and the facilitator must meet at least annually with a case manager or other individual designated by the truancy court.

### *Cost Factor:*

- Increasing the workload of existing employees or hiring new employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Education Code, § 25.0915

## TRUANCY COMPLAINTS

With some exception, school districts are required to file a complaint in truancy court when a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year.

### *Cost Factors:*

- Increasing the workload of existing employees
- Paying court costs and legal fees

### *Citations:*

Texas Education Code, §§ 25.093, .0951  
Texas Family Code, Chapter 65, Subchapter A

## FISCAL TRANSPARENCY AND ACCOUNTABILITY

A school district must annually compile and report extensive financial information related to the district's debt obligations, credit rating, and any other information the school district considers relevant and necessary to explain the values reported. The district must ensure that the annual report is made available for inspection by any person and is posted continuously on its website until the district posts the next annual report. The district also must continuously post on its website the contact information for the main office of the district, including the physical address, the mailing address, the main telephone number, and an e-mail address.

### *Cost Factor:*

- Increasing the workload of existing employees

### *Citation:*

Texas Local Government Code, § 140.008

## REPORT ON UTILITIES CONSUMPTION

School districts must record electricity, water, and natural gas consumption in an electronic repository and report this information on a publicly accessible website with an interface intended for ease of navigation. Additionally, school districts must report their aggregate utility expenditures to TEA through PEIMS. The aggregate utility expenditures include water; electricity; gas for heat, cooking, and cooling; and ongoing telephone, including telecommunications, cellular telephones, and facsimile, charges.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Government Code, § 2265.001(b)



# Public Notices

## ANNUAL PERFORMANCE REPORT, NOTICE, AND HEARING

A school district is required to publish an annual report that includes the following information: campus performance objectives and the progress of each campus toward those objectives, the performance rating for the district and each campus, the district's special education compliance status, various evaluations provided by TEA comparing the district with other districts and statewide averages, information relating to violent or criminal incidents on campuses and school violence prevention, and certain financial information. In addition, the school board is required to hold a public hearing to discuss the report and notify property owners and parents in the district of the hearing.

### *Cost Factors:*

- Hiring additional employees (salary and benefits)
- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Subchapter BB, § 61.1022  
Texas Education Code, § 39.306

## NOTICE OF LOW ACCREDITATION STATUS

A school district that receives an accredited-warned, accredited-probation, or accredited-revoked status is required to notify parents and property owners of the status. The notice must include the district's accreditation status, the implication of such status, and the steps the district is taking to address the areas of deficiency identified by the commissioner of education. The notice must be posted on the district's website; published for three consecutive days in the

newspaper with the greatest circulation in the district; and sent via first-class mail, individually addressed, to each parent and property owner in the district. Additionally, the district must send to TEA via certified mail the link to the notice on the district's website; the newspaper notice; and the letter, mailing list, and postage receipts.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs
- Outsourcing or contracting for appropriate equipment or services

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 97, Subchapter EE, § 97.1055(f)  
Texas Education Code, §§ 39.051–.053

## BUDGET AND PROPOSED TAX RATE NOTICE AND HEARING

A school district is required to publish a notice of the school board meeting to discuss the district budget and proposed tax rate in a daily, weekly, or biweekly newspaper published in the district. If no such newspaper is published in the district, the notice must be published in a newspaper of general circulation in the county. The notice must be published within 30 days of the public hearing, may not be smaller than a quarter page, and must include a headline in 18-point or larger type. The statute specifies a variety of information relating to the district's tax rates and taxable values which must be included in the notice.

### *Cost Factors:*

- Increasing the workload of existing employees
- Paying required fees

### *Citation:*

Texas Education Code, § 44.004



## BUDGET SUMMARY REPORT

Concurrently with the publication of notice of the budget, a school district is required to post on the district's website or in its central administrative office a summary of the proposed budget. The budget summary must include per-student and aggregate spending on instruction, instructional support, central administration, district operations, debt service, and any other category of spending designated by the commissioner of education, and a comparison to the previous year's actual spending.

### *Cost Factor:*

- Increasing the workload of existing employees

### *Citation:*

Texas Education Code, § 44.0041

## ANNUAL FINANCIAL MANAGEMENT REPORT, NOTICE, AND HEARING

School districts are required to prepare and distribute an annual financial management report according to rules adopted by the commissioner of education. The report must include the following:

- The district's financial management performance rating provided by TEA
- The district's financial management performance under each indicator for the current and previous years' financial accountability rating, including any descriptive information required by the commissioner of education
- A description of the data submitted to TEA's early warning system
- A copy of the superintendent's contract unless it is posted on the district's website
- A summary of travel and training expenditures paid by the district on behalf of or reimbursed to the superintendent and each board member for the fiscal year

- The amount of any compensation the superintendent received for consulting or other personal services
- Gifts valued at \$250 or more to the executive officers and board members from outside vendors who have been awarded or have competed for a contract with the district during the prior fiscal year
- The aggregate amount for the fiscal year of any board member's business transactions with the district
- Any other information the school board wants to include

The school district is required to make the report available at a hearing for public comment. The board of trustees must give notice of the hearing to property owners in the district and to parents of district students, send a notice of the hearing via e-mail to all media serving the district, and publish the notice in a newspaper of general circulation. The school district also is required to prepare and distribute to all parents and taxpayers in attendance at the public hearing the annual financial management report.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 109, Subchapter AA, § 109.1001  
Texas Education Code, § 39.083

## CONFLICT OF INTEREST DISCLOSURE STATEMENTS

A school district is required to make certain disclosures when the district enters or considers entering into a contract with a vendor. Chapter 176 of the Local Government Code includes sig-

nificant disclosure requirements that affect school district trustees, superintendents, and employees who are involved in the procurement process, as well as actual or potential vendors to Texas school districts. The law requires a local government officer to file a conflict of interest disclosure statement with the records administrator of the school district if the officer (or a family member) has certain employment or financial relationships with district vendors. The school district must ensure it has collected the disclosure of interested parties document from vendors, and it is required to maintain a list of local government officers and employees to whom this law applies and make that list available to the public. If the school district maintains a website, the statements filed by local government officers and conflict of interest documents filed by district vendors must be posted on the district's website and maintained according to the school district's local retention schedule. School districts are not required to maintain a website. The Public Information Act and its exceptions apply to information filed under this law.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citations:*

Texas Administrative Code, Title 1, Part 2,  
Chapter 46  
Texas Local Government Code, Chapter 176

## **RIGHT OF TRUSTEE TO OBTAIN INFORMATION**

A school board member, when acting in the member's official capacity, is granted access to information, documents, and records maintained by the district. This information is to be provided to a school board member without requiring the

member to submit a public information request under the Public Information Act. A school district also is required to post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member if the request(s) is for 200 or more pages of material in a 90-day period. The school district also must report annually to TEA the number of requests submitted by a board member during the preceding school year and the total cost to the district of responding to requests during that school year.

*Cost Factors:*

- Increasing the workload of existing employees
- Increasing costs of supplies, technology, or programs

*Citation:*

Texas Education Code, § 11.1512(c)–(f).

## **BOND ELECTIONS**

A school district that orders an election for a bond must include the following in the ballot proposition language:

- The purpose for which the bonds are to be authorized
- The principal amount to be authorized
- A statement that taxes may be imposed in an amount necessary to pay the annual principal and interest, as appropriate
- The estimated tax rate or the maximum interest rate
- The maximum maturity date for a period not to exceed 40 years
- The aggregate amount of outstanding principal at the beginning of the fiscal year
- The aggregate amount of the outstanding interest and debt obligations at the beginning of the fiscal year
- The debt service tax rate at the time of the election order

A school district must post the order in a prominent location at each polling place on election day and during early voting. It also must be posted in three public places within the school district's boundaries no later than the 21st day before the election. During the 21 days before the election, a school district must prominently post the order on its website, if such a website exists, along with the election notice and contents of the proposition.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs
- Requiring employee training

*Citations:*

Texas Election Code, §§ 3.009, 4.003(f)

# Parental/Student Notifications

## ANNUAL IMPROVEMENT IN STUDENT ACHIEVEMENT REPORT

A school districts is required to provide to a student's parent written notice of information provided by TEA relating to (1) the student's expected annual improvement, (2) the student's actual annual improvement, (3) the student's necessary annual improvement to pass the fifth- and eighth-grade state assessments and the EOC exams required for graduation, (4) the student's necessary annual improvement to pass the exit-level assessment instrument required for graduation, and (5) whether the student fell below, met, or exceeded the expectation for improvement and the necessary target for improvement.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Education Code, §§ 39.034, .303

## TEACHER REPORT CARD

At the beginning of each year, a school district is required to prepare a report that compares the performance of all students, including incoming students, who were assessed the previous year with a state assessment. In addition, a report must be given to a teacher with the performance of all students taught by that teacher in the subject area of a state assessment. The district also must provide an individualized version of a student's performance to each student's parent. For a student who failed to perform satisfactorily on a state assessment in grades 3–8 or on an EOC exam, the parent report also must include information relating to access to educational resources at the appropriate assessment instrument level, including any released exams and answers.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Education Code, §§ 39.303–.304

## STUDENT REPORT CARDS AND NOTICE OF UNSATISFACTORY PERFORMANCE

At least once every 12 weeks, school districts are required to give a student's parent or guardian written or electronic notice of the student's performance in each class or subject. At least once every three weeks, school districts must provide the parent or guardian written or electronic notice of the student's performance in a foundation curriculum subject (English language arts, mathematics, science, and social studies) if the student's performance is consistently unsatisfactory.

A student's first report card must include whether the campus in which the student is enrolled has been awarded a distinction or been identified as an "academically unacceptable" campus. The report card also must include an explanation of the significance of that information.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citations:*

Texas Education Code, §§ 28.022(a), 39.361

## CAMPUS/SCHOOL REPORT CARDS

Within six weeks of receiving the school report card from TEA, school districts are required to disseminate specified portions of the report card to the parent or guardian of each student on the

campus. The report card may be disseminated in a weekly folder sent home with each student, mailed to the student's residence, provided at a teacher-parent conference, or enclosed with the student report card.

*Cost Factors:*

- Increasing the workload for existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citations:*

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter BB, § 61.1021  
Texas Education Code, § 39.305

## **NOTICE OF “TOP 10 PERCENT” AUTOMATIC COLLEGE ADMISSIONS LAW**

The school board must require every high school to post appropriate signs in each counselor's office, principal's office, and administrative building explaining the “Top 10 Percent” law for automatic college admission. The district must provide detailed information to each high school counselor and class advisor explaining the substance of the automatic college admission law and the curriculum requirements for financial aid. At the beginning of the school year, the district must provide each student, at the time the student registers for one or more classes required for high school graduation, a written notification of the student's eligibility for automatic admission and financial aid.

Each school also must provide eligible juniors or seniors, no later than the 14th day after the last day of classes for the fall semester, with written notification of their eligibility status. Finally, the law also requires that at the beginning of grades 10 and 11, a school counselor explain the requirements of automatic admission to those students who are ranked within the top 25 percent of their respective classes.

*Cost Factors:*

- Increasing the workload for existing employees
- Requiring employee training
- Increasing costs for posting notices, and written communications

*Citations:*

Texas Education Code, §§ 28.026, 33.007(c)

## **NOTICE OF PARENTAL RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

At the beginning of each school year or when a student enrolls in the district after the school year has started, the school district is required to provide the parent of each student a written explanation of the FERPA provisions regarding the release of directory information about the student; notice of the parent's right to prevent the district from releasing any or all directory information about the student without the parent's prior written consent; and notice of the parent's right to prevent the district from releasing a high school student's name, address, and telephone number to a military recruiter, college, or university without the parent's prior written consent.

*Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

*Citation:*

Texas Education Code, § 26.013

## NOTICE OF INAPPROPRIATELY CERTIFIED OR UNCERTIFIED TEACHER

A school district is required to provide written notice to the parent or guardian of each student in a classroom to which the district has assigned for more than 30 consecutive instructional days during the same school year an uncertified teacher or a teacher teaching on an emergency certificate. The school district must make a good-faith effort to provide the notice in a bilingual form to any parent or guardian whose primary language is not English. The district also must make information regarding teacher certification available to the public upon request.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Education Code, § 21.057

## NOTICE OF CLASS SIZE LIMIT WAIVER

Within 31 days of the beginning of school or the date the commissioner of education grants a class size waiver, school districts are required to provide the parent of each student in the affected class notice of the waiver and the number of students in the class.

### *Cost Factors:*

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

### *Citation:*

Texas Education Code, § 25.113

## NOTICE OF PUBLIC EDUCATION GRANT (PEG) ELIGIBILITY

Each year, TEA is required to send districts a list of campuses at which students are eligible to receive a Public Education Grant (PEG) to transfer to another school in the same or in a different district. By February 1, districts are required to notify each parent of a student attending a campus on the PEG list.

### *Cost Factor:*

- Increasing the workload of existing employees

### *Citations:*

Texas Education Code, §§ 29.201–.205

## NOTICE OF STUDENT PHYSICAL ACTIVITY POLICIES AND DATA

A school district must publish in the student handbook and post on the district's website, if the district has a website, a statement of the policies adopted to ensure that elementary, middle, and junior high school students engage in the minimum required amount and level of physical activity.

The statement must consist of the following:

- The number of times during the preceding year the district's school health advisory council has met
- Whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines
- Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of tobacco products by students and others on school campuses or at school-sponsored or school-related activities

Additionally, the school district must provide to TEA district- and campus-level data relating to student health and physical activity.

*Cost Factor:*

- Increasing the workload of existing employees

*Citations:*

Texas Education Code, §§ 28.004(k)(1)–(k)(2), 38.0141

## **NOTICE OF AVAILABILITY OF STUDENT PHYSICAL FITNESS ASSESSMENT RESULTS**

A school district must annually assess the physical fitness of students enrolled in grades 3–12. A school district must provide to TEA individual physical fitness assessment results. The summary results may not contain the names of individual students or teachers or a student’s social security number or date of birth. A school district must publish in the student handbook and post on the district’s website, if the district has a website, notice that a parent may request in writing their child’s physical fitness assessment results at the end of the school year.

*Cost Factor:*

- Increasing the workload of existing employees

*Citations:*

Texas Education Code, §§ 28.004(k)(3), 38.101, .103

# GLOSSARY

ACT.....	American College Test	LEP .....	limited English proficient
ADA .....	average daily attendance	M&O tax rate .....	maintenance and operations tax rate
AED .....	automated external defibrillator	NMSQT .....	National Merit Scholarship Qualifying Test
AP .....	advanced placement	PEG .....	Public Education Grant
AYP .....	average yearly progress	PEIMS .....	Public Education Information Management System
CLEP.....	College-Level Examination Program	PGP .....	personal graduation plan
CNPIMS.....	Child Nutrition Program Information Management System	PSAT .....	Preliminary Scholastic Assessment Test
CPR .....	cardiopulmonary resuscitation	SAT .....	standardized test for college admissions
CTE.....	career and technical education	SBEC .....	State Board for Educator Certification
DAEP .....	disciplinary alternative education program	SBOE .....	State Board of Education
DFPS.....	Department of Family and Protective Services	SHAC.....	school health advisory council
EMAT .....	Education Materials System	SRO .....	school resource officer
EOC exams .....	end-of-course exams	SSIG .....	Student Success Initiative Grant
ESL .....	English as a second language	STEM .....	science, technology, engineering, and mathematics
FERPA.....	Family Educational Rights and Privacy Act	TASA.....	Texas Association of School Administrators
FHSP.....	Foundation High School Program	TASB.....	Texas Association of School Boards
FIRST.....	Financial Integrity Rating System of Texas	TEA .....	Texas Education Agency
GPC .....	grade placement committee	TRS .....	Teacher Retirement System
IDEA .....	Individuals with Disabilities Education Act	TSI .....	Texas Success Initiative
IEP .....	individualized education program	UIL.....	University Interscholastic League
IPM .....	integrated pest management		



## Notes

