

Report on School District Mandates: Cost Drivers in Public Education



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Texas Association of School Boards



TASA

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State Mandates on School Districts

Introduction

In 2002, the Texas Association of School Administrators (TASA) and Texas Association of School Boards (TASB) first 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 cost of public education. TASA and TASB have updated and revised this document to include mandates passed by the 87th Texas Legislature. While this document encompasses a majority of mandates passed since 1995, it 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.

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

It is important to note that 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 drivers in school districts. Others include the growing population of economically disadvantaged students, which includes more than 60% 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 financial and administrative impact that mandates have on schools. In 2018, the lieutenant governor of Texas established a task force to study mandates required of independent school districts and charter schools and to make recommendations for eliminating mandates. The task force's work led to legislation that curtailed mandatory recycling programs and repealed the requirement to purchase certain light bulbs for every campus.

The 86th Legislature also enacted House Bill 3 (HB 3), a monumental \$6.5 billion investment in public schools that, for the first time in recent history, was not required by a court order. The legislation increased the basic allotment from \$5,140 to \$6,160, updated weights and allotments throughout the formula, reduced recapture, and reduced the growth of property taxes for Texas taxpayers.

This publication attempts to identify which mandates are addressed by the 86th and 87th Legislatures and acknowledges how the mandate is being financed by the additional state funds. By giving school officials this information, they can continue to help legislators understand the number of unfunded or underfunded mandates imposed on school districts by quantifying the costs of existing mandates and estimating the costs of mandates proposed during subsequent legislative sessions.

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 or guardian the results of the reading diagnostic instrument and whether the student is at risk for dyslexia or other reading difficulties. Parents or guardians of students at risk of reading difficulties also must be informed of the Texas Talking Book program through the Texas State Library and Archives Commission, which allows students to borrow audiobooks free of charge. School districts also must report the results of the reading instruments to the board of trustees and commissioner of education. In addition, districts must electronically report 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. A district-level committee also may choose to adopt a list of reading instruments at cost that meet specified criteria for grades other than kindergarten. However, neither method of selecting diagnostic instruments for students in grades K-2 have accompanying funds provided for administration of the instrument(s) or to train teachers in the appropriate way to apply results to the instructional program, including the required accelerated instruction.

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

Funding Mechanism:

The early education allotment in HB 3 (86th legislative session) and subsequent funding in the 87th legislative session could be used to provide resources for the cost factors associated with this program.

Citations:

Texas Education Code §§ 28.006, 29.161(d), 38.003, 48.108

TEA, Early Childhood Data Collection Requirements (<https://bit.ly/3Zrf9xq>)

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 for those grade levels. Accelerated instruction must be provided during the subsequent summer or school year and must either 1) allow the student in the following school year to be assigned a classroom teacher who is certified as a master, exemplary, or recognized in the applicable subject area under the local optional teacher designation system under current law or 2) provide the student additional prescribed supplemental instruction as specified below for districts receiving federal COVID-19 relief funds. During the following school year, districts may require participation in accelerated instruction before or after normal school hours and are prohibited from removing students from foundation and enrichment instruction, recess, or other physical activity to provide the additional instruction. If the accelerated instruction occurs outside of regular school hours, districts must provide transportation to the instructional programs.

If a district receives funding under the Coronavirus Response and Relief Supplemental Appropriations Act (Pub. L. No. 116-260) or the American Rescue

Plan Act of 2021 (Pub. L. No. 117-2), the supplemental instruction must:

- Include targeted instruction in the Texas Essential Knowledge and Skills (TEKS) for the applicable grade levels and subject areas
- Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled
- Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year
- Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject
- Include effective instruction materials designed for supplemental instruction
- Be provided to a student individually or in a group of no more than three students to one teacher unless the parent or guardian of each student in the group authorizes a larger group
- Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district
- To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period

If a student fails to perform satisfactorily on a grade 3, 5, or 8 math or reading state assessment, the district must establish an accelerated learning committee (ALC). The committee must be composed of the student's principal or principal's designee, teacher, and parent or guardian. Not later than the start of the next school year, the committee must develop an educational plan for the student that provides for the necessary accelerated instruction to enable the student to perform on grade level by the end of the school year. The plan must be in writing and a copy must be provided to the student's parent or guardian.

If a student does not meet the passing standard

on the state mathematics and/or reading tests in grades 3, 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. If the student fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent or designee must meet with the ALC to identify the reason and determine, before the next assessment is administered, whether the educational plan needs to be modified or if additional resources are required for the student. The superintendent's designee may be an employee of a regional education service center (ESC) but may not be a person who served on the student's ALC.

The education commissioner may also require a district comply with all the requirements of the Strong Foundations Grant Program if the district has a campus that includes students at any grade level from prekindergarten to grade 5 and that campus is assigned an overall performance rating of D or F and is in the bottom 5% of campuses based on the student performance on the grade 3 reading assessment administered during the previous school year. If funds are appropriated for the Strong Foundations Grant Program, the commissioner must award a grant to a campus required to implement the program.

Cost Factors:

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

Citations:

Texas Education Code §§ 28.0211, 39A.064(a)

ACCELERATED INSTRUCTION FOR HIGH SCHOOL STUDENTS

Each time a high school student fails to perform satisfactorily on an assessment instrument, the school district must provide to that high school student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the high school student before or after normal school hours, may include participation at times of the year outside normal school operations, and must comply with the same requirements for accelerated instruction provided to students in grades 3-8. If the accelerated instruction occurs outside of regular school hours, districts must provide transportation to the instructional programs.

Cost Factors:

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

Citations:

Texas Education Code §§ 28.0211, .0217

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 school trustees and the 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(c-1), (g-1)

DYSLEXIA SCREENING

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 a teacher who has received the specific training at the student's campus.

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

School districts must conduct dyslexia screening or testing, as appropriate, for each public school student at the end of the student's kindergarten and first grade school years, in accordance with a program approved by the SBOE. School districts

are expected to use Foundation School Program, state compensatory education allotment, 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

Funding Mechanism:

HB 3 (86th legislative session) and subsequent funding allocated by the 87th Legislature included a dyslexia allotment of 0.10 per identified student — an increase to provide resources for the cost factors associated with this program.

Senate Bill (SB) 1716 (87th legislative session) provided additional resources for students outside of the school using a grant program in the ESCs for supplemental services.

Citations:

19 Texas Administrative Code § 74.28
Texas Education Code §§ 28.006, 29.041-.049, 38.003
TEA, *The Dyslexia Handbook—Procedures Concerning Dyslexia and Related Disorders*, 2021 Update (<https://bit.ly/3CCg4kM>)

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

Funding Mechanism:

HB 3 (86th legislative session) and subsequent funding allocated by the 87th Legislature provided an early education allotment to provide resources for the cost factors associated with this program. This allotment is determined by enrollment of certain students in kindergarten through grade 3 as opposed to the actual number of students enrolled in prekindergarten.

Citations:

Texas Education Code §§ 29.153(e), 48.108

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

School districts are required to provide compensatory, intensive, and accelerated 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

Funding Mechanism:

HB 3 (86th legislative session) and subsequent funding in the 87th legislative session increased compensatory education allotments between 0.225 and 0.275 per eligible student depending on the percentage of students who qualify in the school district.

HB 1525 (87th legislative session) increased the allowable expenses under the compensatory education allotment.

Citations:

Texas Education Code §§ 28.0213, 29.081, 48.104

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 (TWC), and the Texas Higher Education Coordinating Board (THECB): the benefits of earning a distinguished level of achievement with one or more endorsements under the Foundation High School Program 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. Districts must provide this 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 for the student. The PGP must promote college and workforce readiness, as well as career placement and advancement, while facilitating 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 they do 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.

DROPOUT PREVENTION STRATEGIES

A school district or charter school with a high dropout rate is required to submit a plan to the commissioner of education describing how the district or charter school intends to use the compensatory education allotment to implement research-based strategies for dropout prevention. The plan must include career and technical education (CTE) courses or technology applications courses that lead to industry or career certification; high-quality, college-readiness instruction with strong academic and social supports; secondary to postsecondary bridging that builds college-readiness skills, provides a plan for college completion, and ensures transition counseling; and information on support for first-year postsecondary enrollment. Each plan must be submitted by Dec. 1 of the year preceding the year the funds will be received. School districts are prohibited from spending more than 25% of their compensatory education allotment for this plan unless approved by the commissioner of education.

Cost Factor:

- Increasing the workload of existing employees

Funding Mechanism:

HB 3 (86th legislative session) and subsequent funding in the 87th legislative session includes a dropout recovery school and residential placement facility allotment that could help offset the costs associated with this program.

HB 1525 (87th legislative session) allows a cam-

pus that is academically unacceptable to access funding equal to that of a charter school's per-student funding amount.

Citations:

19 Texas Administrative Code § 89.1701

Texas Education Code §§ 29.918, .934, 48.153

COUNSELING ABOUT POSTSECONDARY REQUIREMENTS

School counselors are required to counsel students and parents at the elementary and middle/junior high levels 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. Public school counselors now must include information regarding the availability of education, training vouchers, and tuition and fee waivers for students who are or were previously in foster care. When providing this information, the school counselor must report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student. Each school district must report in Public Education Information Management System (PEIMS) the amount of full-time-equivalent (working an average of 40 hours per week) school counselors at each campus. The number of counselors at each campus must now be part of the district and campus annual performance report.

Each school district, in coordination with the Texas Department of Family and Protective Services (DFPS), must facilitate the transition to an institution of higher education of each child enrolled in the district who is eligible for a tuition and fee waiver and likely to be in the conservatorship of DFPS on the child's 18th birthday by assisting the child with the completion of any applications for admission or financial aid; arranging for and accompanying the child on

campus visits; assisting the child in researching and applying for private or institution-sponsored scholarships; identifying whether the child is a candidate for appointment to a military academy; assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and coordinating contact between the child and a liaison officer designated under Texas Education Code section 61.0908 for students who were formerly in DFPS's conservatorship.

Cost Factors:

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

Citations:

Texas Education Code §§ 33.007(a)-(b-1), 39.306(d-1), 48.009(b)(2)
Texas Family Code § 264.1212

GIFTED AND TALENTED PROGRAM

School districts are required to adopt a process for identifying and serving gifted and talented students and to establish a program for those students at each grade level. State regulations require 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 those counselors and administrators who have authority for program decisions have a minimum of six hours of training related to gifted education.

Cost Factors:

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

- Purchasing supplies, equipment, technology, or programs

Funding Mechanism:

HB 1525 (87th legislative session) added back the gifted and talented allotment at a rate of 0.07 per average daily attendance (ADA) for gifted and talented courses.

Citations:

19 Texas Administrative Code §§ 89.1-.5
Texas Education Code §§ 29.122, 48.109

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 employees 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:

19 Texas Administrative Code § 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 will earn an endorsement. A district must ensure that students entering grade 9 indicate in writing which endorsements they intend to earn. Endorsements include STEM (science, technology, engineering, and mathematics), Business and Industry, Public Service, 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:

19 Texas Administrative Code § 74.12
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
Texas Attorney General Opinion No. GA-657
(Aug. 28, 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 for 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 school board review) examinations for student acceleration. This requirement applies to each primary school grade level and to credit for secondary school academic subjects. The school board must approve for each subject, to the extent available, at least four examinations satisfying SBOE guidelines.

School districts must administer each examination approved by the school board 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 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.

An SBOE rule, effective August 2018, requires a credit-by-exam (CBE) development process that mirrors many procedures used to develop the state standardized tests but without the corresponding appropriations. These requirements have nearly eliminated the option of locally developed exams, resulting in great expense to districts who must purchase exams from other providers.

A district must make an annual public report regarding its developed CBE assessments for grades 6-12. The report must include the test development process, a statement certifying that the CBE exam meets the criteria specified by the SBOE, the number of students who took each exam, the number of students who scored 70% or above on each exam, the number of students who scored 80% or above on each exam, and the average score for all students who took each examination. For CBE assessments on courses that have end-of-course assessments, a district also must make public all relevant test development specifications, a statement certifying that the exam meets the validation criteria, and the results for all tested subgroups disaggregated

by students who received prior instruction and students with no prior instruction. The district also must make public descriptive data for small subgroups.

Cost Factors:

- Increasing the workload of existing employees
- Hiring additional employees (salary and benefits)
- Purchasing tests, supplies, equipment, technology, or programs
- Aggregating data for annual public report

Citations:

19 Texas Administrative Code § 74.24
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 fitness assessment.

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 could take courses in at least three of the four disciplines in fine arts (i.e., art, dance, music, and theatre), 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:

19 Texas Administrative Code § 74.3(a)
Texas Education Code § 28.002(c-1)

CLASS SIZE LIMIT

School districts are required to maintain a 22:1 student-teacher ratio in prekindergarten 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 post-secondary education in math in 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 course 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 this meeting, information regarding the initiative and any alternatives that were considered must be disseminated, and members of the public, as well as district employees, must be given the opportunity to comment on the initiative.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 28.002(g)

COURSES IN CYBERSECURITY

The SBOE must approve courses in cybersecurity for credit for high school graduation. Each school district must annually report to TEA the names of the courses and institutions of higher education in which the district's students have enrolled.

Cost Factor:

- Increasing the workload of existing employees

Citations:

19 Texas Administrative Code § 74.11(o)
Texas Education Code § 28.002(f)(2)

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 school health advisory council (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:

19 Texas Administrative Code § 101.3031
Texas Education Code § 39.0301

END-OF-COURSE EXAMS

Students must meet satisfactory performance requirements on five end-of-course (EOC) exams 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)
- Purchasing materials, supplies, technology, or programs

Citations:

19 Texas Administrative Code §§ 101.27, .3011
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 grade 12 students whose EOC exam scores do not meet college-readiness standards or whose coursework, college entrance exam score, or Texas Success Initiative Assessment (TSIA) score 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 benefits provided by this type of course, but students are not required to enroll in the course.

Cost Factors:

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

Funding Mechanism:

House Bill 3 (86th legislative session) added grant funding for every student to have at least one Scholastic Assessment Test (SAT) or American College Test (ACT) placement test paid for directly through the school district.

Citations:

Texas Education Code §§ 28.014, 48.155, .156

ADMINISTRATION OF TESTS TO HOMESCHOOLED 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, home-schooled 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

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

Citations:

19 Texas Administrative Code § 109.1001
Texas Education Code §§ 39.081-.087

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, installation of a board of managers for the district, or even 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 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 §§ 39.003-.004, .051-.052, 39A.001-.002, .111-.112, .153

School districts also must report the number of students receiving aids, accommodations, or services under Section 504 through the PEIMS system. The total number of students enrolled in the district who received the service also must be reported through PEIMS.

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Education Code §§ 26.004, .0081, 48.009

PARENTAL RIGHTS AND INFORMATION REGARDING CERTAIN INTERVENTION STRATEGIES

Each school year, a district must provide notice to the parent if the child, other than a student enrolled in a special education program, is receiving assistance from the district for learning difficulties, including through intervention strategies. The notice must be provided when the child begins to receive the assistance for that school year and must be written in English or, to the extent practicable, the parent's native language.

The notice must include the following:

- 1) A reasonable description of the assistance
- 2) Information regarding any "base-tier" interventions
- 3) Estimate of the duration for which the assistance will be provided
- 4) Estimated time frame for when a progress report will be provided
- 5) Copy of the TEA-provided notice, which may be given to a parent during a Section 504 meeting

Human Resources and Employee Relations

COST OF BENEFITS ASSOCIATED WITH STATE PAY INCREASE

HB 3 (86th legislative session) created a new function for future educator pay raises that ties any funding increases per ADA to increases in educator compensation. Under HB 3 guidance, any time the basic allotment is increased, districts must pay out 30% of the total they receive in the school finance formulas, after formula weights and adjustments are applied, for the sole purpose of increasing compensation of non-administrative staff, prioritizing staff with over five years of experience. Of that amount dedicated for compensation increases, 75% must be dedicated to full-time teachers, counselors, nurses, and librarians and 25% for any other non-administrative staff. According to a recent report from TEA, districts across the state contributed \$1,172,283,765 in salary increases after HB 3, above and beyond the required amount.

Cost Factors:

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

Citations:

Texas Education Code § 48.051
Texas Government Code § 825.405
86th Texas Legislature, *General Appropriations Act for the 2020-21 Biennium*, Article III, Teacher Retirement System (2019)
TEA, *Required Reporting on Salary Increases* (<https://bit.ly/3k00BEx>)

EMPLOYER PAYMENT OF TRS SURCHARGE

A school district is responsible for paying the TRS surcharge for each rehired retiree and may not pass the expense on to the retiree through a payroll deduction, fee, or other effort to recover the costs. The former law was silent regarding who must pay the surcharge; consequently, many school districts offset these expenses by reducing the retired employee's pay.

Cost Factor:

- Increasing the cost of hiring TRS retirees

Citation:

Texas Government Code § 825.4092

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 Texas attorney general 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
Texas Attorney General Opinion No. 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 Sept. 1, 2005, including a former member who withdrew retirement contributions and is reemployed after Sept. 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 0.25–0.75% of active employees' salaries to the TRS-Care plan, as determined by the General Appropriations Act. (The current amount is 0.75%.) School districts also 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 (i.e., full-time teachers, counselors, librarians, and nurses) or who would have been entitled to the minimum salary under the former law (Texas Education Code section 16.056). School district contributions moved from 1.5% of payroll to 2% by 2025, increasing by 0.1% annually starting in 2020. The percentage of the compensation is for 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). The state additionally increased its contribution from 6.8% of payroll to 8.25% of payroll while also requiring educator contributions from 7.7% to 8.25% in the same time frame.

Cost Factor:

- Increasing the cost of benefits

Citations:

Texas Government Code §§ 825.402–.405
Texas Insurance Code § 1575.204
86th Texas Legislature, *General Appropriations Act for the 2020–21 Biennium*, Article III, Teacher Retirement System (2019)

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 imme-

diately 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 must 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 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 with paid leave of no more than 15 days in a fiscal year for purposes of authorized training or duty and up to an additional seven days if called to state active duty in response to a disaster.

Unpaid Leave

- Temporary Disability Leave: School districts are required to provide each full-time educator at least 180 calendar days of job-protection leave when needed for temporary disability.
- 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 because of the assault for up to two years beyond the date of the assault.

Cost Factors:

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

Citations:

Texas Education Code §§ 21.409 (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 if 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 the State Board for Educator Certification (SBEC) in the collection and monitoring of information used in the reviews.

Cost Factors:

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

Citations:

19 Texas Administrative Code §§ 153.1101-.1115
 Texas Education Code §§ 8.057, 12.1059, 21.007, .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. An independent hearing examiner is compensated at the rate of \$125 per hour for billable professional services related to implementing the hearing, in addition to a per diem, reimbursement of expenses related to travel, and reimbursement for expenses related to the hearing. An independent hearing examiner is eligible to receive a maximum compensation of \$10,000 for each case.

Cost Factors:

- Paying independent hearing examiner’s fees
- Paying court reporter’s fees

Citations:

19 Texas Administrative Code § 157.1101
 Texas Education Code §§ 21.251, .255, .256

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 University Interscholastic League (UIL) athletic competition held on 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, student who serves as an athletic trainer, and any other school employee specified by the commissioner. School districts also are required to make available instruction in the principles and techniques of cardiopulmonary resuscitation (CPR) and the use of an AED annually to district employees and volunteers. The school district that owns or leases an AED must also conduct a monthly inspection to verify that the AED is placed at its designated location, reasonably appears to be ready for use, and does not appear to be damaged in a manner that could prevent operation.

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
Texas Health and Safety Code § 779.003

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)

STUDENT FOOD ALLERGY POLICY GUIDELINES

School districts must annually review and, as necessary, revise district policy for students with a diagnosed food allergy at risk for anaphylaxis to align with guidelines developed by the Texas Department of State Health Services (DSHS). Districts must post a summary of the guidelines on the district's website, including instructions on accessing the complete guidelines document.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 38.0151

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

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 the following:

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 §§ 67.051(a), (b), .053

FACILITIES SAFETY STANDARDS

TEA rules ensure that building standards for instructional facilities and other school district facilities provide a secure and safe environment.

The rules include the use of best practices for the following:

- The design and construction of new facilities
- The improvement, renovation, and retrofitting of existing facilities

School district facilities must meet the commissioner's standards for eligibility to be financed with state and local tax funds.

Cost Factors:

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

Citations:

Texas Education Code § 7.061
19 Texas Administrative Code § 61.1040

MULTIHAZARD EMERGENCY OPERATIONS PLAN

School districts are required to adopt and implement a multihazard emergency operations plan (EOP) that addresses mitigation, preparedness, response, and recovery, as defined by the Texas School Safety Center (TxSSC). Districts must provide training to all employees and substitute teachers to address emergency situations.

Each school district's EOP must include a policy for any school district property used as a polling place. A school board may consult with local law enforcement regarding reasonable security accommodations, but a school district is not required to obtain or contract for the presence of law enforcement to secure a polling place.

If the district receives a bomb or terroristic threat involving a facility where students are present, it must provide a notice to the parents of a student assigned to the campus or who regularly uses the campus as soon as possible. Each district must include in its EOP a policy for responding to an active shooter emergency.

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; district employees have received training in responding to emergencies; the district conducts school drills and has completed a safety and security audit; and the district has established a visitor policy governing building access, among other things. Districts also must establish a school safety and security committee to periodically update the EOP and consult with law enforcement about how to increase law enforcement presence near campuses. The committee must meet at least three times per year, and the meetings are subject to the Texas Open Meetings Act (OMA).

A school board must hold a public hearing to notify the public of the district's failure to submit or correct deficiencies in an EOP, and the commissioner may appoint a conservator for the district that may order the district to adopt, implement, and submit the EOP. If a district fails to comply with a conservator's order within the time frame imposed by the commissioner, the commissioner may appoint a board of managers to oversee the operations of the district.

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, .1081, .1082, .109, .113

SCHOOL SAFETY AND SECURITY AUDIT

School districts must conduct a safety and security audit of the district's facilities following procedures developed by TxSSC at least once every three years and must report the results of the audit to the school board and to TxSSC for review.

The security audit must certify that the district used funds from the school safety allotment only for the purposes provided by Texas Education Code section 48.115. The school board must hold a public hearing to notify the public if the district fails to report the results of the audit to the TxSSC.

Cost Factors:

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

Funding Mechanism:

SB 11 (86th legislative session) and subsequent funding in the 87th legislative session provided an allotment to help defer some of the costs associated with implementing this program.

Citations:

Texas Education Code §§ 37.108, .1081, 48.115

THREAT ASSESSMENT TEAMS

The school board must establish a threat assessment and safe and supportive school team to serve at each campus. The members of the team must receive training. Each team must conduct threat assessments for individuals who make threats of violence or exhibit harmful, threatening, or violent behavior. Data must be gathered and analyzed to determine the level of risk and appropriate intervention for each student, including referring a student for mental health assessment and implementing an escalation procedure. Threat assessment teams must report the following to TEA:

- Number and description of threats reported to the team
- Outcome of each assessment made by the team, including
 - Any disciplinary action taken, including a change in school placement
 - Any action taken by law enforcement

- A referral to or change in counseling, mental health, special education, or other services
- Total number of the following:
 - Citations issued for Class C misdemeanor offenses
 - Arrests
 - Incidents of uses of restraint
 - Changes in school placement, including placement in a juvenile justice alternative education program (JJAEP) or DAEP
 - Referrals to or changes in counseling, mental health, special education, or other services
 - Placements in in-school suspension or out-of-school suspension and incidents of expulsion
 - Unexcused absences of 15 or more days during the school year
 - Referrals to juvenile court for truancy

Cost Factors:

- Increasing the workload of existing employees
- Requiring employee training

Citation:

Texas Education Code § 37.115

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 (SRO), 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 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 a 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

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

A school district that commissions a school district peace officer or at which an 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 180 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

INSTRUCTION REGARDING INTERACTION WITH PEACE OFFICERS

The SBOE and Texas Commission on Law Enforcement (TCOLE) must enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing instruction, including curriculum and instructional modules, on proper interaction with peace officers during traffic stops and other in-person encounters. The instruction must include information regarding the role of law enforcement and the duties and responsibilities of peace officers; a person's rights concerning interactions with peace officers; proper behavior for civilians and peace officers during interactions; laws related to questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and how and where to file a complaint against or a compliment on behalf of a peace officer. In developing the instruction, the SBOE and TCOLE may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations, and local law enforcement agencies, driver training schools, and the community regarding the instruction.

A school district must provide instruction on proper interaction with peace officers during traffic stops and other in-person encounters in one or more courses to students in grades 9-12. The required instruction may be provided as a part of any course or courses and must be provided to each student at least once before graduation from high school.

Cost Factors:

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

Citations:

Texas Education Code §§ 28.012, .025(b-20), 1001.109

Texas Occupations Code §§ 1701.253(n), .268
19 Texas Administrative Code § 74.39

TRAUMATIC INJURY RESPONSE PROTOCOL AND BLEEDING CONTROL STATIONS

School districts must develop a traumatic injury response protocol and provide bleeding control stations in accessible locations for use in the event of a traumatic injury involving blood loss. A bleeding control station must contain specified supplies in quantities determined appropriate by the district, including tourniquets, chest seals, compression bandages, bleeding control bandages, space emergency blankets, latex-free gloves, markers, scissors, and instructional documents.

Cost Factors:

- Requiring training for employees
- Requiring training for students in grade 7 and above
- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs

Citation:

Texas Education Code § 38.030

TRAFFICKING SIGNS AND NOTICES

Each school district, charter school, and private school is required to post warning signs of increased penalties for engaging in human trafficking on the premises of a primary or secondary school at the following locations:

- Parallel to and along the exterior boundaries of the school's property
- At each roadway or other way of access to the property
- For premises not fenced, at least every 500 feet along the exterior boundaries of the property
- At each entrance to the property

- At conspicuous places reasonably likely to be viewed by all persons entering the property.

Cost Factor:

- Purchasing additional supplies, equipment, technology, or programs

Citation:

Texas Education Code § 37.086

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 audio-taped copy of the student's individualized education plan (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. If a student's IEP includes a behavior intervention plan (BIP), it must be reviewed by the admission, review, and dismissal committee (ARDC) annually or more frequently as appropriate. The review must consider changes in circumstances that may impact the student's behavior, as well as the safety of the student and others. Further, a written parental notice must be distributed each time restraint is used with a student receiving special education. The notice must be provided verbally the day the restraint occurred and in written form within one school day. The notice must include whether the

student's BIP should be revised and information on how to request a BIP.

Cost Factors:

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

Citations:

19 Texas Administrative Code §§ 89.1050(i), .1053(e)
Texas Education Code §§ 29.005(d), (h), 37.0021(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 way 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 a district employee, independent contractor, or another qualified individual. The district also must provide the facilitation at no cost to the parent.

Cost Factors:

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

Funding Mechanism:

HB 3 (86th legislative session) increased the mainstream education allotment from 0.10 to 0.15. If a student is identified with a mainstream designation, the district would receive additional funds to help provide education services.

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 ARDC deems it 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 disabilities 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.

School districts 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 also must 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 Commission (HHSC), the Texas Workforce Commission (TWC), DSHS, and DFPS.

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 Education Code §§ 29.011-.0112

SPECIAL EDUCATION DECISION MAKING FOR CHILDREN IN FOSTER CARE

Unless a court has appointed a surrogate parent for a child in foster care, a school district must appoint an individual to serve as the surrogate parent if the district is (1) unable to identify or locate a parent for the child or (2) the child's foster parent is unwilling or unable to serve as the parent for purposes of special education decision making. DFPS is required to inform the district if the child's foster parent is unwilling or unable to serve in this capacity no later than five days after the child enrolls in the district.

Under IDEA, a foster parent is a parent if the foster parent is eligible to serve under state law [20 United States Code section 1401(23)]. There is no longer a requirement that a school district consider a foster parent of a student with a disability when appointing a surrogate parent for the child. A foster parent is eligible to serve as a parent for making special education decisions if the following apply:

- DFPS is the temporary or permanent managing conservator of the student.
- The rights and duties of DFPS to make educational decisions for the child have not been limited by court order.
- The foster parent agrees to participate in making special education decisions on the child's behalf and to complete a training program that complies with minimum standards established by TEA rules.

Cost Factors:

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

Citations:

Texas Education Code §§ 29.015, .0151
Texas Family Code §§ 107.031(c), 263.0025

VIDEO CAMERAS IN SPECIAL EDUCATION SETTINGS

Upon written request by a parent or staff member (defined as a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work with a child receiving special education services in a self-contained classroom or other special education setting), a school district must provide equipment, including a video camera, to each requested school within the district where a student receives special education services in a self-contained classroom or other specified special education setting. The school district must place, operate, and maintain a video camera in each self-contained classroom setting in which many 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% 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 three months after the date of recording. However, if the district receives a request to access a recording from an authorized individual, the district must retain the recording from the date of receipt until the person has viewed the recording and a decision has been made as to whether the recording documents an alleged incident. If the recording includes an alleged incident, retention is required until the alleged incident has been resolved, including exhaustion of all appeals.

A school district must enact a policy relating to video cameras under Texas Education Code section 29.022 that addresses the following:

- Includes information on how to appeal a district or school decision
- Requires a response to a request made under Texas Education Code section 29.022 within seven school business days after receipt by the designated administrator that either authorizes the request or states the reason for denying the request

- Requires the designation of an administrator in the primary administrative office to coordinate provision of equipment in compliance with the law
- Requires that a camera be operational no later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized, unless TEA grants an extension

In addition, the policy must allow a parent of a student who will be placed by an ARDC in an eligible classroom or setting the following school year to request a video camera by the later of the last day of the current school year or the 10th school business day after the ARDC's decision. If a request is made under these circumstances, the policy must require the camera to be operational by the later of the 10th school day of the fall semester or the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

A school is required to provide written notice before a video camera is activated to the parents of each student attending class or engaging in school activities in the classroom or setting, regardless of whether the parent's child is receiving special education services. The camera must be operated for the remainder of the school year in which the request was received unless the requester withdraws the request in writing. If for any reason recording will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting five school days in advance that the surveillance will stop unless requested by an eligible person. No later than 10 school days before the end of a school year, the parents of each student must be notified that surveillance will not continue during the following year unless there is a new request.

School districts are prohibited from using IDEA federal funds or state special education funds to comply with this statute. Although grants are per-

mitted, 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:

19 Texas Administrative Code Chapter 103, Subchapter DD
Texas Education Code §§ 26.009(b), 29.022(a)-(e-1), (i)-(i-1), (j), (l)-(u), 48.265

ARDC MEETING AFTER FAILURE TO PERFORM SATISFACTORILY ON STAAR

When a student receiving special education services fails to perform satisfactorily on a mathematics or reading assessment instrument in grades 3, 5, or 8, the ARDC must meet to determine how the student will receive accelerated instruction.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 28.0211(i)

Governance and General Administration

DISTRICT IMPROVEMENT PLAN

Each school district must have a district improvement plan that is developed, evaluated, and reviewed annually. A district-level committee must be established to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. The district improvement plan must include the following:

- A comprehensive needs assessment addressing district student performance on the achievement indicators and other appropriate measures of performance, disaggregated by all student groups served by the district
- Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs
- Strategies for improvement of student performance that include suicide prevention programs, conflict resolution programs, violence prevention programs, dyslexia treatment programs, and dropout reduction
- Integration of technology in instructional and administrative programs
- Positive behavior interventions and support, including interventions and support that integrate best practices on grief- and trauma-informed care
- Staff development for professional staff of the district
- Implementation of a comprehensive school counseling program
- Strategies for providing to elementary, middle, junior high, and high school students, those students' teachers and school counselors, and those students' parents information about higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS Grant Program and the Teach for Texas Loan Repayment Assistance Program; the need for students to make informed curriculum choices to be prepared for success beyond high school; and sources of information on higher

- education admissions and financial aid
- Resources needed to implement identified strategies
- Staff responsible for ensuring the accomplishment of each strategy
- Timelines for ongoing monitoring of the implementation of each improvement strategy
- Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance
- The policy addressing sexual abuse and other maltreatment of children
- The trauma-informed care policy
- The law enforcement duties of peace officers, school resource officers, and school personnel
- The discipline management program
- The dating violence policy
- The practices and procedures developed for mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention
- The policy and necessary procedures regarding bullying

Cost Factors:

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

Citations:

- Texas Education Code §§ 11.252, 37.081, .083, .0831, .0832, 38.351
- Texas Family Code § 71.0021
- Texas Health and Safety Code § 161.325

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 SHAC 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. Additionally, SHACs develop policy recommendations for suicide prevention and strategies to increase parental awareness on early signs of suicide, mental health disorders, and substance abuse. The district must publish in the student handbook and post on the district's website, if the district maintains a website, information noting the number of times the council met and whether the district has adopted and enforced policies and procedures relating to vending machines, tobacco, and e-cigarettes. Similarly, the district must publish statements of the policies adopted to ensure elementary, middle, and high school physical education requirements and policies and procedures adopted to promote the physical and mental health of students, the physical health and mental resources at each campus, and the contact information for the nearest providers of essential public health services. At least 72 hours before each meeting, the SHAC must post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the district and ensure that the notice is posted on the district's website. The SHAC must make an audio or video recording of the meeting and prepare and maintain minutes that state the subject and content of each deliberation and each vote or other action taken at the meeting. The SHAC must submit the minutes and recording to the district not later than the 10th day after the meeting for posting on the district website.

Cost Factors:

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

Citation:

Texas Education Code § 28.004

SEAT BELTS ON SCHOOL BUSES

A bus operated by or contracted for use by a school district for the transportation of school children must be equipped with a three-point seat belt for each passenger, including the operator. "Bus" is defined as a school bus, school activity bus, multifunction school activity bus, or school-chartered bus. The requirement does not apply to a bus purchased by a school district that is a model year 2017 or earlier. For a bus purchased by a school district that is a model year 2018 or later, the board of trustees can determine by a vote in a public meeting that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts.

Cost Factor:

- Purchasing additional equipment

Citation:

Texas Transportation Code § 547.701(e)

SCHOOL BREAKFAST AND LUNCH PROGRAM

If at least 10% 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 data identifying eligible children under the national free or reduced-price breakfast and lunch program quarterly to the Department of Agriculture, TEA, and HHSC.

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. When the amount of a district's students qualifying for free or reduced-priced breakfast exceeds 80%, the district must bear a significant amount of the program's cost.

School districts participating in the national school breakfast program in which 80% 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, providing 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

OPEN RECORDS REQUESTS UNDER THE TEXAS PUBLIC INFORMATION ACT

A school district is required to make available to the public complete information about the affairs of the district 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 OMA and Texas Public Information Act (PIA).

If a request is more than 50 pages of paper records, school districts can charge for providing a copy of the public information, including reasonable costs of materials, labor, and overhead. If a request is for 50 or fewer pages of paper records, the district may not charge for materials, labor, or overhead; charges are limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in (1) two or more separate buildings that are not physically connected with each other or (2) a remote storage facility. If the charge for providing

a copy of public information includes costs of labor, on request, the district must provide a statement of the time that was required to produce and provide the copy.

If a charge for providing a copy of or inspecting public information will exceed \$40, the district must provide an itemized statement, detailing all estimated charges, including labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requester may contact the district about the alternative method.

The PIA provides school districts few tools for dealing with vexatious requesters who abuse the PIA by sending frequent and/or voluminous requests for information to a school district, creating unexpected costs and disrupting the operations of the school district. If a school district receives a redundant or repetitive PIA request from the same requester for information that has already been provided, a school district can send a letter to the requester explaining that the information was already provided, when that information was provided, and that no new information has been generated by the school district since the last request. School districts can also follow a complex process to establish a reasonable monthly or annual time limit on the amount of personnel time spent to produce public information for inspection or to prepare copies for a requester. Requests from radio stations, newspapers of general circulation published on the Internet, and magazines that are either published at least monthly or maintain an internet presence are exempt from these optional rules.

Cost Factors:

- Requiring employee training
- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs
- Costs of copying and duplicating documents

Citations:

Texas Government Code §§ 552.002, .012, .021, .221(e), .232, .261, .2615, .263, .275, .3215(i)

TRUSTEE REQUEST FOR INFORMATION

A school district must make available to a trustee complete information in the affairs of the school district without the use of a public information request. The district must complete the request for information regardless if the information is for the purpose of a school board meeting, and it must complete the request within the 20th day of the request. If the request is not completed within the allotted time frame, the trustee could bring a suit against the district for appropriate injunctive relief. If the public information request exceeds 200 pages within 90 days, the school district must post the cost of responding to the request in a place convenient to the public and must report to TEA the number of requests submitted by a school board member and the annual amount to respond to the request for information.

Cost Factors:

- Increasing the workload of existing employees
- Costs of copying and duplicating documents
- Court costs and attorney's fees

Citation:

Texas Education Code § 11.1512

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, including an audio recording of a work session or a special called meeting if the board votes on any matter or allows public comment or testimony. Because the OMA requires school districts to allow public comment at all open meetings, districts with an enrollment of 10,000 must effectively record all meetings of

the school board. 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 §§ 551.007, .128(b-1), (b-4)

INTEGRATED PEST MANAGEMENT PROGRAM

School districts are required to adopt an integrated pest management (IPM) program for the purposes of exterminating insects, rodents, and bugs from school campuses. Districts must 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

Citations:

Texas Occupations Code §§ 1951.212, .459

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:

25 Texas Administrative Code §§ 229.470-.474
85th Texas Legislature, *General Appropriations Act for the 2018-19 Biennium*, Article II,
Department of State Health Services (2017)

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 Jan. 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:

19 Texas Administrative Code § 61.1036(f)(3)
Texas Occupations Code §§ 1202.002-.004,
.1535

SCHOOL VEHICLE EMISSIONS TESTING

School districts are required to have all gas-powered vehicles inspected if the vehicles are between two 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 employee

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 old or younger, including a daycare center, pre-school, 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 perform a leakage test on the natural gas piping on each campus every two years. 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 with a student enrollment of 10,000 or more 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 materials, 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 projection completion date, and other information that a contrac-

tor 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.

Construction 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 at-risk-manager 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 construction 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.

Architects and Engineers

School districts must hire an architect or engineer to prepare construction documents required for a project awarded by competitive bidding, competitive sealed proposals, construction manager-agent, and construction manager-at-risk. School districts must hire an architect or engineer independent of the design-build firm's architect or engineer to act as the school district's representative.

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, .301-.3011

RECOVERY OF DAMAGES FROM CONSTRUCTION DEFECTS

Prior to filing a lawsuit to recover damages from construction defects, local governmental entities, including school districts, must submit a report to potential opposing parties and provide these parties with an opportunity to inspect and correct. The report must identify the specific construction defect on which the claim was based, describe the present physical condition of the affected structure, and describe any modification, maintenance, or repairs to the affected structure made by the school district or others since the affected struc-

ture's initial use or occupation. The parties would have 120 days after the inspection either to correct any construction defect or related condition identified in the report or to enter into a separate agreement with the governmental entity to make such correction.

School districts must provide written notice to the education commissioner of an action for recovery of damages for defects in any district facility financed by bonds. The notice must include a copy of the court petition and an itemized list of the defects for which the district seeks damages. Subject to enforcement by the attorney general, a school district that brings an action to recover damages for construction defects must use the net proceeds from the action for the following:

- Repair of the defect on which the action is brought, including the repair of any ancillary damage to furniture and fixtures
- Replacement of the facility
- Reimbursement of the district for a repair or replacement
- Any other purpose with written approval from the commissioner

Cost Factors:

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

Citations:

Texas Education Code §§ 44.151-.152
Texas Government Code §§ 2272.001-009

Training

TRAINING ON STUDENT ACADEMIC PERFORMANCE

Every two years, a school board member must complete three hours of training, as outlined by the SBOE, on evaluating student academic performance.

Cost Factor:

- Requiring school board member training

Citation:

Texas Education Code § 11.159(c)

TRAINING ON CHILD ABUSE

Every two years, a school board member must complete at least one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. A superintendent's continuing education must include at least 2.5 hours of training every five years.

Cost Factors:

- Increasing the workload of existing employees
- Requiring employee and school board member training

Citations:

Texas Education Code §§ 11.159(c), 21.054(h)

SCHOOL DISTRICT CYBERSECURITY AND TECHNOLOGY

Every school district must adopt a cybersecurity policy to secure district cyberinfrastructure against cyberattacks and other cybersecurity incidents. Annually, a school district's cybersecurity coordinator, employees who have access to local government computer systems or databases, and the school district's elected officials must complete a cybersecurity training program certified by the Department of Information Resources. The training must be focused on forming information security habits and pro-

cedures that protect information resources and teach best practices for detecting, assessing, reporting, and addressing information security threats.

Cost Factors:

- Increasing the workload of existing employees
- Requiring employee and school board member training

Citations:

Texas Education Code § 11.175

Texas Government Code §§ 2054.519-.5191

TRAINING IN DETECTION OF STUDENTS WITH MENTAL HEALTH ILLNESS

A local 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, suicide prevention, 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 DSHS, 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 Practice and Remedies Code § 74.151(e)
Texas Education Code §§ 21.044(c-1), 28.004(c), 38.351

REQUIRED STAFF DEVELOPMENT

A school district must provide staff development for educators required to hold SBEC certification. The training must be provided in accordance with the district's professional development policy and include the following:

- Suicide prevention
- Strategies for establishing and maintaining positive relationship among students
- Preventing, identifying, responding to, and reporting incidents of bullying
- Increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children
- Increasing awareness and implementation of trauma-informed care

The training must use a best practice-based program recommended by HHSC in coordination with TEA, including practices around building skills related to managing emotions, establishing and maintaining positive relationships, and making responsible decisions. Other new programs and practices include trauma-informed practices, positive school climate, and positive behavior support. "School climate" is defined as the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures experienced by students, parents, and school personnel.

School districts must develop practices and

procedures for suicide prevention and strategies to increase parental awareness on early signs of suicide, mental health disorders, and substance abuse. These procedures must be published in the student handbook and district improvement plan. The handbook and district website also must indicate whether each campus has a full-time nurse or full-time school counselor. Districts must have a policy on trauma-informed care that, using resources developed by TEA, addresses methods of increasing staff and parent awareness of trauma-informed care and implementation of trauma-informed practices and care by district and campus staff. The policy must also address available counseling options for students affected by trauma or grief.

Cost Factors:

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

Citations:

Texas Education Code §§ 21.451(d)-(d-2), 28.004, 38.0041(c), .036(c), .351

SAFETY TRAINING RELATED TO EXTRA-CURRICULAR ATHLETIC ACTIVITIES

UIL is required to provide safety training courses for all coaches, trainers, and sponsors who assist with extracurricular athletic activities. Elements of the training include CPR, emergency action planning, and effective communication with 9-1-1 emergency operators. The training also must include certification of participants by the American Red Cross, the American Heart Association, or UIL.

Cost Factors:

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

Citation:

Texas Education Code § 33.202

Reporting Requirements

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 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
- Incidents of bullying
- 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 High School Program
- Number of students enrolled in a program to earn an endorsement under the Foundation High School 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, 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
- The availability of school counselors

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 §§ 7.029, 25.006, 28.025(e-2), 29.066(a)-(b), 29.083, .1532, 34.010(b), 39.301, 48.008, .009(b)

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 programs, and personalized graduation plans. The electronic student record system also must include data from the following programs:

- **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% 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), TEA, *2020 Comprehensive Biennial Report on Texas Public Schools*, "District Reporting Requirements," p. 291-295 (December 2020) (<https://bit.ly/3Qtk4JW>)

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

Funding Mechanism:

Portions of the bilingual education allotment under HB 3 (86th legislative session) and subsequent funding in the 87th legislative session can be used for administrative purposes.

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

Funding Mechanism:

Portions of the compensatory education allotment can be used for administrative purposes.

Citation:

19 Texas Administrative Code § 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 Factors:

- 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

Unless the district is applying truancy prevention measures to a student and determines that the measures are succeeding and it is in the best interest of the student that a referral be delayed, 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

REPORTING ON OUT-OF-SCHOOL SUSPENSIONS

A school district must report to TEA information regarding out-of-school suspensions, including demographic information, the basis of a suspension, the number of full or partial days a student was suspended, and the number of out-of-school suspensions that were inconsistent with the guidelines included in the district’s student code of conduct.

Cost Factors:

- Increasing the workload of existing employees
- Requiring employee training

Citation:

Texas Education Code § 37.020(f)

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 email address.

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Local Government Code §§ 140.005, .006, .008

ITEMIZATION OF PUBLIC NOTICE EXPENDITURES IN BUDGET

A political subdivision, other than a community college district, must include a line item in its proposed budget indicating expenditures for notices required by law to be published in a newspaper by the political subdivision or a representative that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year. The proposed budget also must include a line item indicating expenditure for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Local Government Code § 140.0045

DISTRICT AND TRUSTEE INFORMATION POSTED ON WEBSITE

A school district must post and maintain on its website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. Additionally, a school district must post and maintain on its website the date and location of the next election for the board of trustees and requirements and deadline for candidacy filing for each elected office.

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Education Code § 11.1518
Texas Government Code § 2051.201

DATA BREACH NOTIFICATION

A school district with sensitive personally identifiable information on computerized data must notify the attorney general of a breach of system security within 60 days if the breach involves at least 250 residents of the state. A district's cybersecurity coordinator shall report to TEA and notify parents of an attack or data breach incident.

Cost Factors:

- Increasing the workload of existing employees
- Requiring employee training

Citations:

Texas Business and Commerce Code § 521.053
Texas Education Code § 11.175

CAMPUS BEHAVIOR COORDINATOR

Each campus must post online the email address and dedicated telephone number of a person clearly identified as the campus behavior coordinator or a campus administrator designated as responsible for student discipline.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 26.015

BULLYING POLICIES AND REPORTING

A school district board of trustees must adopt a policy, including any necessary procedures, for prevention and mediation of bullying incidents between students. The policy must comply with standards adopted by TEA, including the following requirements:

- Each campus must establish a committee to address bullying by focusing on prevention efforts and health and wellness initiatives.
- Schools must increase student reporting of bullying incidents to school employees by increasing awareness of reporting procedures and providing for anonymous reports.
- Districts must collect information annually through student surveys on bullying and cyberbullying.
- Districts must develop a rubric or checklist to assess an incident of bullying and to determine the district's response to the incident.
- Districts must report data to TEA through PEIMS.

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Education Code §§ 37.0832, 48.009(b-4)

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 within 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:

19 Texas Administrative Code § 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
- Cost of purchasing advertising space in newspapers

Citations:

19 Texas Administrative Code § 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 include the following language: "Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property." 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 that must be included in the notice.

Cost Factors:

- Increasing the workload of existing employees
- Paying required fees
- Cost of purchasing advertising space in newspapers

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 a summary of the proposed budget on the district's website or in its central administrative office. 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 additional 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 email 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
- Cost of purchasing advertising space in newspapers

Citations:

19 Texas Administrative Code § 109.1001(q)
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. Local Government Code Chapter 176 includes significant disclosure requirements that affect school

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 business 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.

A school district is prohibited from entering a contract with a business entity unless the business entity submits a disclosure of interested parties to the school district at the time the business entity submits a signed contract to the school district. The disclosure requirement applies to contracts that have a value of at least a \$1 million or require approval by the school board before the contract is signed. A school district is required to submit a copy of the disclosure to the Texas Ethics Commission no later than the 30th day after it receives the disclosure.

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:

- 1 Texas Administrative Code §§ 46.1-.5
- Texas Government Code § 2252.908
- Texas Local Government Code §§ 176.001-.013

BOND ELECTIONS

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

- 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.

The school district is responsible for making available to voters a voter information document that includes the language that will appear on the ballot and a table format that includes the following:

- The principal of the debt obligations to be authorized
- The estimated interest for the debt obligations

- The combined principal and interest required to pay on time and in full
- The principal of all outstanding debt obligations
- The estimated remaining interest on all outstanding debt obligations
- The estimated combined principal and interest required to pay on time and in full

The school district is required to put forward separate ballot propositions to authorize bonds for the construction, improvement, or renovation of the following:

- A stadium
- A natatorium
- A recreation facility other than a gymnasium
- A performing arts facility
- Housing for teachers
- Acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of the facility

Cost Factors:

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

Citations:

Texas Education Code § 45.003(g)
 Texas Election Code §§ 3.009, 4.003(f), 52.072(e)-(f)
 Texas Government Code §§ 1251.001-.005, 1251.051-.052
 Texas Local Government Code § 271.049

POSTING OF DISTRICT EMPLOYMENT POLICY

A school district must post the employment policy and the full text of any regulations referenced in the policy on its website if the district has a website. If the district has an intranet accessible to employees, it must make available any forms ref-

erenced in the policy on the intranet or make the forms available at an administrative office designated by the district.

Cost Factors:

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

Citation:

Texas Education Code § 11.1513(k)

POSTING OF ELECTION NOTICES AND RESULTS

A school district that holds an election must post on its public website the election results, the total number of votes cast, the total number of votes cast for each candidate or for or against each measure, the total number of votes cast on election day, the total number of votes cast during the early voting period, and the total number of counted and uncounted provisional ballots. A school district is required at least 21 days before an election to post on its website the date of the election, the location of each polling place, each candidate for an elected office on the ballot, and each measure on the ballot. After the election, the district must also post the results of the election while making it easy to view on the website.

Cost Factors:

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

Citations:

Texas Election Code §§ 4.009(b), 65.016(b)-(c)

Parental/Student Notifications

ANNUAL IMPROVEMENT IN STUDENT ACHIEVEMENT REPORT

A school district 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 for existing employees
- Purchasing additional supplies, equipment, technology, or programs

Citations:

Texas Education Code §§ 39.034, .303

REPORT TO PARENTS

A school district is required to provide to a student's parent written notice of the comparisons of student performance. For a student who failed to perform satisfactorily on a state assessment in grades 3-8 (English), EOC exam, or state assessment in grades 3-5 (Spanish), a district also must include in the notice information relating to educational resources at the appropriate assessment instrument level, including any released exams and answers.

Cost Factors:

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

Citation:

Texas Education Code § 39.303

TEACHER REPORT CARD

A school district is required to prepare a report of the comparisons of student performance and provide the report at the beginning of the school year to each teacher for all students, including incoming students, who were assessed on a state assessment the previous year and to all students who were provided instruction by that teacher in the subject area of the state assessment. The district's report must indicate whether the student performed satisfactorily and whether the student met the standard for annual improvement.

Cost Factors:

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

Citation:

Texas Education Code § 39.304

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, or during the fourth week of each nine-week grading period, 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 for 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, enclosed with the student report card, or sent by electronic mail.

Cost Factors:

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

Citations:

19 Texas Administrative Code § 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 gradua-

tion, 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% 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 an uncertified teacher or a teacher teaching on an emergency certificate for more than 30 consecutive instructional days during the same school year. 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 for 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 for 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 PEG to transfer to another school in the same or in a different district. By Feb. 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 SHAC 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), 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 parents 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)(4), 38.101(a), .103

NOTICE OF LICE

An elementary school nurse who determines or becomes aware that a child enrolled in the school has lice shall provide written or electronic notice of that fact to (1) the parent of the child with lice as soon as practicable but not later than 48 hours and (2) the parent of each child assigned to the same classroom as the child with lice. The notice must include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice. The notice to parents may not identify the child with lice.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 38.031

NOTICE TO PARENT OF EDUCATOR MISCONDUCT

School districts, including those designated as districts of innovation, must have a board-adopted policy providing for notification to the parent or guardian of a student with whom an educator allegedly engaged in abuse or otherwise committed an unlawful act or was involved in a romantic relationship or solicited or engaged in sexual contact. The notice to the parent must include (1) that the alleged misconduct occurred, (2) whether the educator resigned or was terminated in light of an investigation, and (3) whether a report was submitted to SBEC concerning the alleged misconduct. The notice of alleged misconduct must be provided as soon as feasible after the employer becomes aware that the alleged misconduct may have occurred.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 21.0061

NOTICE OF EJECTION OR EXCLUSION FROM SCHOOL PROPERTY

A district must provide information to certain persons refused entry or ejected from district property. A notice must be posted on the website for the school district and each campus. The notice must state that a school administrator or peace officer may eject an individual from or refuse an individual entry to property subject to the district's control if the individual refuses to leave peaceably upon request and either the person poses a substantial

risk of harm to any person or the person behaves in a manner inappropriate for the school setting, an administrator or officer issues the individual a verbal warning, and the individual persists in the behavior.

The school district must make a record of a verbal warning regarding inappropriate behavior, including the individual's name and the date. At the time an individual is ejected or excluded, the individual must receive a written explanation of the appeal process. Ejection or exclusion may not last more than two years. If the individual is a parent, the district must accommodate the parent to ensure parental participation in an ARDC or Section 504 meeting.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 37.105

NOTICE FOR AN INCIDENT OF BULLYING

A school district must include procedures for a student to anonymously report an incident of bullying and establish a procedure for providing notice of an incident of bullying to a parent or guardian of an alleged victim on or before the third business day after the date an incident is reported. The required notice to the parent or guardian of an alleged bully must be sent within a reasonable time after the incident. In addition, a school board must institute a districtwide policy to assist in prevention and mediation of bullying incidents that interfere with a student's educational opportunities or substantially disrupt orderly school operations.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code § 37.0832

NOTICE OF CERTAIN HIGH SCHOOL GRADUATION REQUIREMENTS

A school district must notify by mail or email, not later than Sept. 1 of each school year, the parent or guardian of each student enrolled in grade 9 or above that the student is not required to complete Algebra II to graduate under the Foundation High School Program. The notification must include information on filling out the Free Application for Federal Student Aid (FAFSA) and the potential consequences of not completing an Algebra II course, including eligibility for automatic college admission and certain financial aid authorized under Title 3, including the TEXAS Grant Program and the Texas Educational Opportunity Grant Program.

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Education Code §§ 28.02123, .0256

Glossary

| | | | |
|-------------|--|-------------------|--|
| ACT..... | American College Test | GPC..... | grade placement committee |
| ADA..... | average daily attendance | HB..... | House Bill |
| AED..... | automated external defibrillator | IDEA..... | Individuals with Disabilities Education Act |
| ARDC..... | admission, review, and dismissal committee | IEP..... | individualized education program |
| ALC..... | accelerated learning committee | IPM..... | integrated pest management |
| AP..... | Advanced Placement | JJAEP..... | juvenile justice alternative education program |
| AYP..... | average yearly progress | LEP..... | limited English proficient |
| BIP..... | behavior intervention plan | M&O tax rate..... | maintenance and operations tax rate |
| CBE..... | credit by exam | MOVE..... | Military and Overseas Voter Empowerment |
| CLEP..... | College-Level Examination Program | NMSQT..... | National Merit Scholarship Qualifying Test |
| CNPIMS..... | Child Nutrition Program Information Management System | OMA..... | Open Meetings Act |
| CPR..... | cardiopulmonary resuscitation | PEG..... | Public Education Grant |
| CTE..... | career and technical education | PEIMS..... | Public Education Information Management System |
| DAEP..... | disciplinary alternative education program | PGP..... | personal graduation plan |
| DFPS..... | Department of Family and Protective Services | PIA..... | Public Information Act |
| DSHS..... | Texas Department of State Health Services | PSAT..... | Preliminary Scholastic Assessment Test |
| EL..... | English learners | SAT..... | standardized test for college admissions |
| EMAT..... | Education Materials System | SB..... | Senate Bill |
| EOC..... | end of course | SBEC..... | State Board for Educator Certification |
| EOP..... | emergency operations plan | SBOE..... | State Board of Education |
| ESL..... | English as a second language | SHAC..... | school health advisory council |
| ESSA..... | Every Student Succeeds Act | SRO..... | school resource officer |
| FAFSA..... | Free Application for Federal Student Aid | SSA..... | shared service arrangement |
| FERPA..... | Family Educational Rights and Privacy Act | SSI..... | School Success Initiative |
| FHSP..... | Foundation High School Program | SSIG..... | Student Success Initiative Grant |
| FIRST..... | Financial Integrity Rating System of Texas | STAAR..... | State of Texas Assessment of Academic Readiness |
| | | STEM..... | science, technology, engineering, and mathematics |

TAKS Texas Assessment of Knowledge
and Skills

TASA Texas Association of School
Administrators

TASB Texas Association of School Boards

TEA Texas Education Agency

TEKS Texas Essential Knowledge and Skills

THECB..... Texas Higher Education Coordinating
Board

TCOLE..... Texas Commission on Law Enforcement

TRS Teacher Retirement System

TSI Texas Success Initiative

TxSSC..... Texas School Safety Center

TWC Texas Workforce Commission

UIL University Interscholastic League

