

**Crandall Independent School District**  
**Crandall Middle School**  
**2022-2023 Improvement Plan**



# Mission Statement

Crandall Middle School will provide each student an exceptional education, in an inspiring environment, with caring people.

## Vision

Crandall Middle School will empower students to positively impact the world.

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# Comprehensive Needs Assessment

Revised/Approved: January 23, 2023

## Demographics

### Demographics Summary

Crandall Middle School is a 7-8 campus with 984 students. The staff (20-21 TAPR data) includes 51 teachers, 9 instructional paraprofessionals, 5 support staff, 2 counselors, and 4 administrators. The student population is 29% White, 24% African American, 41% Hispanic, 0.41 % Asian, and 0.14 % Native American. Additionally, the campus serves 60% economically disadvantaged students, 15% special education students, and 20% Limited English Proficient students. Attendance rates include 96.3% African American, 96.8% Hispanic, 96.2% White, and 96.1% economically disadvantaged. The most current data indicate the campus has a 14% mobility rate.

### Problem Statements Identifying Demographics Needs

**Problem Statement 1 (Prioritized):** Campus staff does not mirror the student population.

# Priority Problem Statements

**Problem Statement 1:** Campus staff does not mirror the student population.

**Root Cause 1:**

**Problem Statement 1 Areas:** Demographics

# Goals

**Goal 1:** Advance student learning, growth, and college and career offerings.

**Performance Objective 1:** Create and sustain a data-driven instructional plan.

**Evaluation Data Sources:** Attendance, Discipline, and Failure Report tracking  
Campus Metrics Action Plan  
Campus Improvement Plans

## Strategy 1 Details

**Strategy 1:** 1.1.1 Improvement in attendance, discipline, and failure rates at each campus for all student groups.

**Strategy's Expected Result/Impact:** Improvement in all areas with accountability and tracking.

**TEA Priorities:**

Recruit, support, retain teachers and principals, Build a foundation of reading and math, Improve low-performing schools

**- ESF Levers:**

Lever 1: Strong School Leadership and Planning

## Strategy 2 Details

**Strategy 2:** 1.1.2 Scheduled data-driven meetings with staff on student performance and data metrics.

**Strategy's Expected Result/Impact:** Set expectations and accountability resulting in student success.

**TEA Priorities:**

Build a foundation of reading and math

**- ESF Levers:**

Lever 1: Strong School Leadership and Planning, Lever 5: Effective Instruction

**Goal 1:** Advance student learning, growth, and college and career offerings.

**Performance Objective 2:** Annually increase student performance in Reading for ALL students and all student groups

**High Priority**

**HB3 Goal**

**Evaluation Data Sources:** STAAR, MAP Data, and Progress Measures, Benchmarks

Strategy 1 Details
<p><b>Strategy 1:</b> 1.2.1 Increase reading MEETS mastery level on STAAR in all grades</p> <p><b>Strategy's Expected Result/Impact:</b> Expectations set and grade level expectations met.</p> <p><b>TEA Priorities:</b> Build a foundation of reading and math</p> <p><b>- ESF Levers:</b> Lever 5: Effective Instruction</p>

**Goal 1:** Advance student learning, growth, and college and career offerings.

**Performance Objective 3:** Annually increase student performance in math for ALL students and all student groups

**High Priority**

**HB3 Goal**

**Evaluation Data Sources:** Math Baselines and progress reports: STAAR, MAP Data, and Progress Measures

Strategy 1 Details
<p><b>Strategy 1:</b> 1.3.1 Increase math MEETS mastery level on STAAR in all grades</p> <p><b>Strategy's Expected Result/Impact:</b> Expectations set and grade level expectations met.</p> <p><b>TEA Priorities:</b> Build a foundation of reading and math</p> <p><b>- ESF Levers:</b> Lever 5: Effective Instruction</p>



**Goal 2:** Retain, recruit, and support highly qualified principals, teachers, and staff.

**Performance Objective 1:** Retain and attract certified, highly effective teachers

**High Priority**

**Evaluation Data Sources:** Turnover rates; Teacher Years of Experience; Staff Count Tracking; TAPR Report

Strategy 1 Details
<p><b>Strategy 1:</b> 2.1.1 Create a strong foundation of support and recognition for all staff.</p> <p><b>Strategy's Expected Result/Impact:</b> Increased retention rates</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals -</p>

**Performance Objective 1 Problem Statements:**

Demographics
<p><b>Problem Statement 1:</b> Campus staff does not mirror the student population.</p>

**Goal 2:** Retain, recruit, and support highly qualified principals, teachers, and staff.

**Performance Objective 2:** Adapt and expand to innovative hiring practices.

**Evaluation Data Sources:** Social Media engagement; partnerships/contracts/clinical teaching with colleges and universities; participation numbers in events

Strategy 1 Details
<p><b>Strategy 1:</b> 2.2.1 Utilize social media platforms and websites to increase awareness.</p> <p><b>Strategy's Expected Result/Impact:</b> Increased engagement and communication with campus events and news.</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals</p> <p><b>- ESF Levers:</b> Lever 3: Positive School Culture</p>

**Goal 2:** Retain, recruit, and support highly qualified principals, teachers, and staff.

**Performance Objective 3:** Create a district leadership pipeline to grow, develop, and retain highly effective teachers, principals, and staff.

**High Priority**

**Evaluation Data Sources:** Teacher Apprentice enrollments in college, retention rates

**Goal 2:** Retain, recruit, and support highly qualified principals, teachers, and staff.

**Performance Objective 4:** Provide meaningful professional learning for all teachers to enhance student performance.

**High Priority**

**Evaluation Data Sources:** Staff surveys data; professional development logs

Strategy 1 Details
<p><b>Strategy 1:</b> 2.3.1 Align professional development with district goals and campus data.</p> <p><b>Strategy's Expected Result/Impact:</b> Staff needs are met and growth prioritized</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals</p> <p><b>- ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>

**Goal 3:** Provide a safe and orderly learning environment that benefits the well-being of all Pirates.

**Performance Objective 1:** Implement best practices in safety for staff trainings and building safety and security.

**High Priority**

**Evaluation Data Sources:** Internal and external security audits, weekly door checks, staff survey data

Strategy 1 Details
<p><b>Strategy 1:</b> 3.1.1 100% of staff and students are trained on all required trainings including active shooter, safety policies, procedures, and protocols.</p> <p><b>Strategy's Expected Result/Impact:</b> All staff are aware of what to do in an emergency situation</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals</p> <p><b>- ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>

**Goal 3:** Provide a safe and orderly learning environment that benefits the well-being of all Pirates.

**Performance Objective 2:** Implement best practices that will result in students, parents, and staff experiencing a safe and secure environment.

**Evaluation Data Sources:** survey data

Strategy 1 Details
<p><b>Strategy 1:</b> 3.2.1 The percentage of students that report experiencing a safe and secure school environment will be at or above 90% annually.</p> <p><b>Strategy's Expected Result/Impact:</b> Increase in attendance, behavior, and overall student success</p> <p><b>ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>
Strategy 2 Details
<p><b>Strategy 2:</b> 3.2.2 The percentage of staff that reports experiencing a safe and secure school environment will be at or above 90% annually.</p> <p><b>Strategy's Expected Result/Impact:</b> Increase in attendance, behavior, and overall student success</p> <p><b>ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>
Strategy 3 Details
<p><b>Strategy 3:</b> 3.2.3 The percentage of parents that report experiencing a safe and secure school environment will be at or above 90% annually.</p> <p><b>Strategy's Expected Result/Impact:</b> Increase in attendance, behavior, and overall student success</p> <p><b>ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>

**Goal 3:** Provide a safe and orderly learning environment that benefits the well-being of all Pirates.

**Performance Objective 3:** Apply evidence-based approaches to support mental health, social well-being, resilience, and academic growth of all students

**High Priority**

**Evaluation Data Sources:** Discipline numbers, Program participation, Communities In School data

Strategy 1 Details
<p><b>Strategy 1:</b> 3.3.1 Effectively utilize and expand Communities in School counselors and CIS resources</p> <p><b>Strategy's Expected Result/Impact:</b> a)increase parent involvement b)improve teacher skills or retention c)improve STAAR performance</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals, Build a foundation of reading and math, Improve low-performing schools</p> <p><b>- ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>
Strategy 2 Details
<p><b>Strategy 2:</b> 3.3.2 Counselor goal- decrease the number of failed classes and discipline referrals by 10%</p> <p><b>Strategy's Expected Result/Impact:</b> increase in student success</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals, Build a foundation of reading and math, Improve low-performing schools</p> <p><b>- ESF Levers:</b> Lever 1: Strong School Leadership and Planning, Lever 5: Effective Instruction</p>

**Goal 3:** Provide a safe and orderly learning environment that benefits the well-being of all Pirates.

**Performance Objective 4:** Expand opportunities for families in the areas of academic and mental health support.

**High Priority**

**Evaluation Data Sources:** Expansion of programs offered, participation of students and families tracking, TCHATT data

Strategy 1 Details
<p><b>Strategy 1:</b> 3.4.1 Increase connections and education for families to mental health and academic support</p> <p><b>Strategy's Expected Result/Impact:</b> Increase in student success academically and mentally</p> <p><b>TEA Priorities:</b> Build a foundation of reading and math, Improve low-performing schools</p>



**Goal 4:** Facilitate engagement and Pirate Pride Culture through effective communication.

**Performance Objective 1:** The district provides campuses with best-practice resources and tools for engaging families (i.e., translation web services, parent/student surveys, and online communication structures).

**Evaluation Data Sources:** Social media engagement and tracking reports across campuses  
Website engagement and traffic

Strategy 1 Details
<p><b>Strategy 1:</b> 4.1.1 Implementing and maintaining a social media presence on all social media platforms.</p> <p><b>Strategy's Expected Result/Impact:</b> engagement and communication for all stakeholders</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals</p>

**Goal 4:** Facilitate engagement and Pirate Pride Culture through effective communication.

**Performance Objective 2:** Develop and effectively utilize a campus counsel team to impact culture, communication, and district improvements.

**Evaluation Data Sources:** Campus Improvement Plan data tracking; CIP committee decisions and agendas

Strategy 1 Details
<p><b>Strategy 1:</b> 4.2.1 Schedule quarterly meetings with the campus improvement council for input, updates, concerns, etc.</p> <p><b>Strategy's Expected Result/Impact:</b> Awareness of needs and problem-solving mindset</p> <p><b>TEA Priorities:</b> Recruit, support, retain teachers and principals, Build a foundation of reading and math, Connect high school to career and college, Improve low-performing schools</p> <p><b>- ESF Levers:</b> Lever 1: Strong School Leadership and Planning</p>

**Goal 4:** Facilitate engagement and Pirate Pride Culture through effective communication.

**Performance Objective 3:** 4.3 Implement family engagement opportunities and events

**Evaluation Data Sources:** Events and opportunity tracking

Strategy 1 Details
<p><b>Strategy 1:</b> 4.3.1 Expand family involvement; including family literacy opportunities</p> <p><b>Strategy's Expected Result/Impact:</b> Increase in student success and school and community culture</p> <p><b>ESF Levers:</b> Lever 1: Strong School Leadership and Planning, Lever 3: Positive School Culture</p>

**Goal 5:** Optimize resources to sustain and enhance effective and efficient operations for students and staff.

**Performance Objective 1:** 5.1 Create processes and management structures to promote effective and efficient use of campus resources & time allotted for student learning.

**Evaluation Data Sources:** Campus yearly budget

Strategy 1 Details
<b>Strategy 1:</b> 5.4.1 Funds spent on educational technology for differentiated instruction and advanced coursework are effective in raising engagement and achievement <b>Strategy's Expected Result/Impact:</b> Enhance student success and engagement  <b>ESF Levers:</b> Lever 5: Effective Instruction
Strategy 2 Details
<b>Strategy 2:</b> 5.4.2 Funds spent on student management & achievements are effective <b>Strategy's Expected Result/Impact:</b> Enhance student success  <b>TEA Priorities:</b> Recruit, support, retain teachers and principals, Build a foundation of reading and math <b>- ESF Levers:</b> Lever 3: Positive School Culture, Lever 5: Effective Instruction
Strategy 3 Details
<b>Strategy 3:</b> 5.4.3 Funds spent on academics needs are data-driven and effective <b>Strategy's Expected Result/Impact:</b> Enhance student success  <b>ESF Levers:</b> Lever 5: Effective Instruction

# Policies, Procedures, and Requirements

The following policies, procedures, and requirements are addressed in the District Improvement Plan. District addressed Policies, Procedures, and Requirements will print with the Improvement Plan:

Title	Person Responsible	Review Date	Addressed By	Addressed On
Bullying Prevention	Chief of Staff	1/3/2023	Amanda Roberts	1/3/2023
Child Abuse and Neglect	Chief of Staff		Amanda Roberts	1/3/2023
Coordinated Health Program	Chief of Academics		Amanda Roberts	1/3/2023
Decision-Making and Planning Policy Evaluation	Chief Communications Officer		Amanda Roberts	1/3/2023
Disciplinary Alternative Education Program (DAEP)	Chief of Academics		Amanda Roberts	1/3/2023
Dropout Prevention	Chief of Academics		Amanda Roberts	1/3/2023
Dyslexia Treatment Program	Chief of Academics		Amanda Roberts	1/3/2023
Title I, Part C Migrant	Chief of Academics		Amanda Roberts	1/3/2023
Pregnancy Related Services	Chief of Staff		Amanda Roberts	1/3/2023
Post-Secondary Preparedness	Chief of Academics		Amanda Roberts	1/3/2023
Recruiting Teachers and Paraprofessionals	Chief of Staff		Amanda Roberts	1/3/2023
Student Welfare: Crisis Intervention Programs and Training	Chief of Staff		Amanda Roberts	1/3/2023
Student Welfare: Discipline/Conflict/Violence Management	Chief of Staff		Amanda Roberts	1/3/2023
Texas Behavior Support Initiative (TBSI)	Chief of Academics		Amanda Roberts	1/3/2023
Technology Integration	Chief of Academics		Amanda Roberts	1/3/2023
Job Description for Peace Officers, Resource Officers & Security Personnel	Chief of Staff		Amanda Roberts	1/3/2023

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**Note:** This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyber-bullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

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**Bullying Prohibited**

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

**Retaliation**

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**False Claim**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

**Timely Reporting**

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

**Reporting  
Procedures**

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

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Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
<b>Notice of Report</b>	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
<b>Prohibited Conduct</b>	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
<b>Investigation of Report</b>	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p>
<b>Notice to Parents</b>	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.
<b>District Action</b>	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
<i>Discipline</i>	A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

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	The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.
<i>Corrective Action</i>	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
<b>Confidentiality</b>	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
<b>Appeal</b>	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
<b>Records Retention</b>	Retention of records shall be in accordance with CPC(LOCAL).
<b>Access to Policy and Procedures</b>	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.



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**Definitions**

**Bullying**

**“Bullying”:**

1. Means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements below and that:
  - a. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
  - b. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
  - c. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
  - d. Infringes on the rights of the victim at school; and
2. Includes cyberbullying.

**Cyberbullying**

“Cyberbullying” means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Applicability**

These provisions apply to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
  - a. Interferes with a student's educational opportunities; or

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- b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Policy**

The board shall adopt a policy, including any necessary procedures, concerning bullying that:

1. Prohibits the bullying of a student;
2. Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
3. Establishes a procedure for providing notice of an incident of bullying to:
  - a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
  - b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
4. Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
5. Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
6. Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
7. Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and
8. Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

The policy and any necessary procedures must be included annually in the student and employee handbooks and in the district improvement plan under Education Code 11.252. [See BQ]

**Internet Posting**

The procedure for reporting bullying must be posted on a district's Internet Web site to the extent practicable.

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**Prevention and  
Mediation**

A district may establish a district-wide policy to assist in the prevention and mediation of bullying incidents between students that:

1. Interfere with a student's educational opportunities; or
2. Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity.

*Education Code 37.0832*

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**Physical Fitness  
Assessment**

Annually, a district shall assess the physical fitness of students in grade 3 or higher in a course that satisfies the curriculum requirements for physical education under Education Code 28.002(a)(2)(C), using an assessment instrument adopted by the commissioner of education (currently FitnessGram®). *Education Code 38.101(a), .102(a)*

A district is not required to assess a student for whom, as a result of disability or other condition identified by commissioner rule, the assessment instrument is inappropriate. *Education Code 38.101(b)*

The assessment instrument must be based on factors related to student health, including aerobic capacity; body composition; and muscular strength, endurance, and flexibility, unless a particular factor is inappropriate for that student because of a health classification defined in 19 Administrative Code 74.31 [see EHAA]. *Education Code 38.102(b)(1); 19 TAC 103.1001(b)*

Report

A district shall provide the results of individual student performance on the physical fitness assessment to TEA. The results may not contain the names of individual students or teachers or a student's social security number or date of birth.

Confidentiality

The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

*Education Code 38.103*

A district may accept donations made to facilitate implementation of this subchapter. *Education Code 38.105*

**Vision and Hearing  
Screening**

As soon as possible after admission and within a period set by rule, a student required to be screened shall undergo approved screening for vision and hearing disorders and any other special senses and communication disorders specified by the Texas Department of State Health Services (TDSHS). *Health and Safety Code 36.005(a)*

District  
Responsibility

A superintendent shall ensure that each student admitted to a district complies with the screening requirements set by TDSHS or submits an affidavit of exemption (see below). *Health and Safety Code 36.005(c)*

Screening Schedule  
*Routine  
Screening*

Children enrolled in prekindergarten and kindergarten must be screened each year within 120 days of enrollment. Children enrolled in the first, third, fifth, and seventh grades must receive vision and hearing screening in each of those grade years (can be done at any time during each of those years). Upon written request

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approved by TDSHS, the screening of vision and hearing may instead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades. *25 TAC 37.25(a)(2), (3), (6)*

<i>Screening on Enrollment</i>	Students four years of age and older, who are enrolled in a district for the first time, must be screened for possible vision and hearing problems within 120 calendar days of enrollment. If the student is enrolled within 60 days of the date school closes for the summer, the student must be tested within 120 days of the beginning of the following school year. Students enrolled who turn four years of age after September 1 of that year are exempt from screening until the following September. <i>25 TAC 37.25(a)(1), (5)</i>
Outside Screening	Except for students enrolled in prekindergarten, kindergarten, or first grade, a district shall exempt a student from screening if the student's parent, managing conservator, or legal guardian, or the student under Family Code 32.003 submits a record showing that a professional examination was properly conducted during the grade year in question or during the previous year. The record must be submitted during the grade year in which the screening would otherwise be required. <i>25 TAC 37.25(a)(4)</i>
Provisional Admission	A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening (or that a licensed professional shall conduct an examination) as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. <i>25 TAC 37.25(b)</i>
Exemption — Religious Beliefs	A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit on or before the day of admission an affidavit stating the objections to screening. <i>Health and Safety Code 36.005(b); 25 TAC 37.25(c)</i>
Records	A superintendent shall maintain on a form prescribed by TDSHS in accordance with TDSHS rules, screening records for each student in attendance, and the records are open for inspection by TDSHS or the local health department. <i>Health and Safety Code 36.006; 25 TAC 37.26</i>
<i>Transfer of Records</i>	A student's screening records may be transferred among districts without the consent of the student or minor student's parent, managing conservator, or guardian. <i>Health and Safety Code 36.006(c); 25 TAC 37.26(b)(4)</i>

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Annual Report	On or before June 30 of each year, a district shall submit to TDSHS a report on the vision and hearing screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. <i>Health and Safety Code 36.006(d); 25 TAC 37.26(b)(6)</i>
<b>Risk Assessment for Type 2 Diabetes</b>	<p>As soon as possible after admission and as required by rule, each student required to be assessed shall undergo approved risk assessment for type 2 diabetes. The risk assessment should:</p> <ol style="list-style-type: none"><li>1. Identify students with acanthosis nigricans; and</li><li>2. Further assess students identified under paragraph 1 to determine the students':<ol style="list-style-type: none"><li>a. Body mass index; and</li><li>b. Blood pressure.</li></ol></li></ol> <p>The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed.</p> <p><i>Health and Safety Code 95.002(d), .003(a)</i></p>
District Responsibility	A superintendent shall ensure that each student admitted to a district complies with the risk assessment requirements or submits an affidavit of exemption. <i>Health and Safety Code 95.003(c)</i>
Applicability	Students who attend public schools located in TEA Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 shall be subject to risk assessment. <i>Health and Safety Code 95.002(b)</i>
Outside Screening	The student or minor student's parent, managing conservator, or guardian may substitute a professional examination for the risk assessment. <i>Health and Safety Code 95.003(a)</i>
Exemption — Religious Beliefs	A student is exempt from risk assessment if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the risk assessment process an affidavit stating the objections to the risk assessment. <i>Health and Safety Code 95.003(b)</i>
Records	A superintendent shall maintain the risk assessment records for each student in attendance and enter the risk assessment information for each student on the surveillance software selected by the University of Texas—Rio Grande Valley Border Health Office (the Office). The risk assessment records are open for inspection

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	by the Office or the local health department. <i>Health and Safety Code 95.004(a)</i>
<i>Transfer of Records</i>	A student's risk assessment records may be transferred among schools without the consent of the student, or, if the student is a minor, the student's parent, managing conservator, or guardian. <i>Health and Safety Code 95.004(c)</i>
Annual Report	A district shall submit to the Office an annual report on the risk assessment status of the students in attendance during the reporting year and shall include in the report any other required information. <i>Health and Safety Code 95.004(e)</i>
<b>Spinal Screening</b>	Each student required by TDSHS rule to be screened shall undergo approved screening for abnormal spinal curvature. <i>Health and Safety Code 37.002(a)</i>
Notification	The superintendent is responsible for notifying a parent, managing conservator, or guardian of the requirement to conduct spinal screening, the purpose and the reasons for spinal screening and potential risk to the child if declined, the method used to perform the screening, and the method to decline spinal screening based on a religious belief exemption. <i>25 TAC 37.144(a)</i>
District Responsibility	A superintendent shall ensure that each student admitted to a district complies with the screening requirements or submits an affidavit of exemption (see below). <i>Health and Safety Code 37.002(c), 25 TAC 37.144(c)</i>
Screening Schedule	Students who meet the criteria outlined in TDSHS policy shall be screened for abnormal spinal curvature before the end of the school year. <i>25 TAC 37.144(c)(1)</i>
<i>Routine Screening</i>	
<i>Screening on Enrollment</i>	If a student is enrolled within 60 days of the date a school closes for the summer, the student's screening must be conducted within 120 days of the beginning of the following school year. Districts may offer a student the opportunity for spinal screening if the student has no record of having been screened previously. <i>25 TAC 37.144(c)(2), (3)</i>
Outside Screening	The screening requirements may also be met by a professional examination as defined in 25 Administrative Code 37.142(6). <i>25 TAC 37.144(c)(1)</i>
Provisional Admission	A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. The

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60-day time period is from November 30 to January 30 of each school year. *25 TAC 37.144(d)*

Exemption —  
Religious Beliefs

A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the screening procedure an affidavit stating the objections to screening. *Health and Safety Code 37.002(b); 25 TAC 37.144(e)*

Records

A district must comply with recordkeeping and reporting requirements set out in 25 Administrative Code 37.145(b). [See FL]

*Transfer of  
Records*

Spinal screening records are transferrable between districts without the consent of the student or, if the student is a minor, the minor student's parent, managing conservator, or legal guardian.

*25 TAC 37.145(b)(3)*

Report of  
Abnormality

If the spinal screening indicates that a student may have abnormal spinal curvature, the individual performing the screening shall fill out a report on a form prescribed by TDSHS.

The superintendent shall retain one copy of the report and shall mail one copy to the parent, managing conservator, or guardian of the individual screened.

*Health and Safety Code 37.003*

Annual Report

On or before June 30 of each year, a district shall submit to TDSHS a report on the spinal screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. *25 TAC 37.145(b)(5)*

**Policy**

As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (ED), a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the administration of physical examinations or screenings that a district may administer to the student. *20 U.S.C. 1232h(c)(1)(D)*

A district shall provide notice of the policies at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies. *20 U.S.C. 1232h(c)(2)(A)(i)*

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). *20 U.S.C. 1232h(c)(3)*



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Notification and  
Opt-Out

At least annually at the beginning of the school year, a district shall directly notify the parent of a student of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening, described below, is scheduled or expected to be scheduled. The required notification applies to nonemergency, invasive physical examinations or screenings that are:

1. Required as a condition of attendance;
2. Administered and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, a district shall offer an opportunity for the parent to opt the student out of participation in the examination or screening. *20 U.S.C. 1232h(c)(2)(A)(ii), (C)(iii)*

Exception

These provisions do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification. *20 U.S.C. 1232h(c)(4)(B)(ii)*

[See EF]

**Lice**

The board shall adopt a policy requiring an elementary school nurse who determines or otherwise 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 after the administrator or nurse, as applicable, determines or become aware of that fact; and
2. The parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which the administrator or nurse, as applicable, determines or become aware of that fact.

The notice:

1. Must include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice; and
2. May not identify the child with lice if the notice is to the parent of each child in the same classroom.

*Education Code 38.031*

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**Required Medical  
Clearance**

Prior to participating in a designated University Interscholastic League (UIL) program or other District extracurricular program identified by the Superintendent, a student shall undergo a physical examination in accordance with the required schedule established by the UIL and shall submit a statement from an authorized health-care provider indicating that the student has been examined and medically cleared to participate in the program. In years that a physical examination is not required, the student shall complete a medical appraisal form. A student may be required to have a physical examination based on answers to the appraisal form.

**Additional Screening**

The District may provide additional screening as District and community resources permit.

**Referrals**

Parents of students identified through any screening programs as needing treatment or further examination shall be advised of the need and referred to appropriate health agencies.

Notice of Lice

A school nurse or administrator who discovers or becomes aware that a child enrolled in a District elementary school has lice shall provide written or electronic notice to parents within the time frames prescribed in law.

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**Note:** For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB. For personnel information about mental health professionals, see DP.

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**Mental Health Condition**

“Mental health condition” means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

*Education Code 5.001(5-a)*

**Student Programs**

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

**Subject Areas**

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

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“School climate” means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and  
Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;
2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and
6. Include procedures:
  - a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and

b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

*Education Code 38.351(a)–(f), (i)–(o)*

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

**Consent to  
Examinations, Tests,  
or Treatment**

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

*Education Code 26.009(a)(1)* [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

**Professional's  
Authority**

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

**Exception: Court  
Order**

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

*Family Code 32.004(b), (c)*

[See DP for more information about LSSP and school counselor responsibilities.]

**Consent to LSSP**

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any Texas Behavioral Health Executive Council (TBHEC) rules, is necessary in this context. Licensees providing psychological services under 22 Administrative Code 465.38(e)(2), however, must obtain informed consent as otherwise required by the TBHEC rules. 22 TAC 465.38(g)

**Professional  
Immunity**

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct. *Family Code 32.004(d)*

**Outside Counselors**

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.
2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

*Education Code 38.010*

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

**Psychotropics and  
Psychiatric  
Evaluations**

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

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2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or
3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

*Education Code 38.016*

[For information regarding administration of medication, see FFAC.]

Child Abuse  
Reporting

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

*Education Code 26.0091; Family Code 261.111(a)* [See FFG]



PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
(LEGAL)

	<p>A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP. <i>19 TAC 103.1201(a)</i></p>
<b>Joint / Contracted DAEP</b>	<p>A district may provide a DAEP jointly with one or more other districts or may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider. <i>Education Code 37.008(d); 19 TAC 103.1201(d)</i></p>
	<p>A DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. <i>Education Code 37.008(b)</i></p>
Community Organizations	<p>A district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a DAEP. <i>Education Code 37.008(e)</i></p>
<b>Funding</b>	<p>A student removed to a DAEP is counted in computing a district's average daily attendance for the student's time in actual attendance in the program. <i>Education Code 37.008(f)</i></p> <p>A district shall allocate to a DAEP the same expenditure per student attending the DAEP that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. <i>Education Code 37.008(g)</i> [See also EHBC(LEGAL), Limit on DAEP Expenditures]</p>
<b>Location</b>	<p>A DAEP shall be provided in a setting other than the student's regular classroom and may be located on or off a regular school campus. <i>Education Code 37.008(a)(1)–(2)</i></p> <p>An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39 or 39A. <i>Education Code 37.008(c)</i></p> <p>An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy. <i>Education Code 37.006(f); 19 TAC 103.1201(h)(1)</i></p> <p>Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. Notwithstanding this requirement, summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.</p>

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

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Students in the DAEP shall be separated from students in a juvenile justice alternative education program (JJAEP).

*Education Code 37.008(a)(3), (c); 19 TAC 103.1201(f)(3), (h)(3)*

**Safety**

A district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in Education Code 22.0511 [see DG], shall not be impacted. The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

Each district shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

*19 TAC 103.1201(h)*

**Staffing**

A DAEP shall employ only teachers who meet certification requirements under Education Code Chapter 21, Subchapter B. The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. *Education Code 37.008(a)(7); 19 TAC 103.1201(h)(1)*

Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

1. Training on the education and discipline of students with disabilities who receive special education services;
2. Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and
3. Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

*19 TAC 103.1201(i)*

**Entrance Procedures**

Procedures for each DAEP shall be developed and implemented for newly-entering students and their parents or guardians on the expectations of the DAEP. These procedures shall include written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success. *19 TAC 103.1201(j)*

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

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**Academics**

The academic mission of DAEPs shall be to enable students to perform at grade level. A DAEP shall focus on English language arts, mathematics, science, history, and self-discipline. *Education Code 37.008(a)(4), (m)*

A district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's four-year graduation plan (Minimum, Recommended, or Advanced/Distinguished Achievement) may not be altered when the student is assigned to a DAEP.

**Opportunity to  
Complete Course**

A district shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this provision.

*Education Code 37.008(l); 19 TAC 103.1201(f)*

A district shall provide the parents of a student removed to a DAEP with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework and state that the methods are available at no cost to the student. *Education Code 37.008(l-1)*

**Accountability**

The campus of accountability for student performance must be the student's locally assigned campus, including when the district or shared services arrangement contracts with a third party for DAEP services. *19 TAC 103.1201(e)*

**Academic  
Assessments**

A district shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:

1. Initially on placement of the student in the program; and
2. Subsequently on the date of the student's departure from the program, or as near that date as possible.

Released state assessments for reading and mathematics for the appropriate grade may be used. A district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills (TEKS) for reading and mathematics for the student's assigned grade. The commissioner will publish on the Texas Education Agency (TEA) website a list of assessments approved for use in each school year.

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The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

Each district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within ten days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment shall be developed and implemented in accordance with local school district policy.

A student in the district's DAEP must also be assessed under the requirements of the Education Code Chapter 39. [See EKB]

*Education Code 37.0082; 19 TAC 103.1203*

**Special Populations**

Special Education

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with Education Code 37.004 and federal requirements. *19 TAC 103.1201(g)*

Drug and Alcohol  
Treatment

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

**Transition Services**

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

1. An established timeline for the student's transition from the DAEP to the student's locally assigned campus; and
2. Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

*19 TAC 103.1201(k)*

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**Transition to the  
Regular Classroom**

"Alternative education program" includes:

1. A disciplinary alternative education program operated by a school district or open-enrollment charter school;
2. A juvenile justice alternative education program; and
3. A residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

*Education Code 37.023(a)*

After Determination  
of the Release Date

As soon as practicable after an alternative education program determines the date of a student's release from the program, the alternative education program administrator shall:

1. Provide written notice of that date to:
  - a. The student's parent or a person standing in parental relation to the student; and
  - b. The administrator of the campus to which the student intends to transition; and
2. Provide the campus administrator:
  - a. An assessment of the student's academic growth while attending the alternative education program; and
  - b. The results of any assessment instruments administered to the student.

*Education Code 37.023(b)*

Coordination After  
Release

Not later than five instructional days after the date of a student's release from an alternative education program, the campus administrator shall coordinate the student's transition to a regular classroom. The coordination must include assistance and recommendations from:

1. School counselors;
2. School district peace officers;
3. School resource officers;
4. Licensed clinical social workers as defined by Occupations Code 505.002;
5. Campus behavior coordinators;
6. Classroom teachers who are or may be responsible for implementing the student's personalized transition plan; and

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7. Any other appropriate school district personnel.

*Education Code 37.023(c)*

Personalized  
Transition Plan

The assistance described above must include a personalized transition plan for the student developed by the campus administrator. A personalized transition plan:

1. Must include recommendations for the best educational placement of the student; and
2. May include:
  - a. Recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals;
  - b. Recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity;
  - c. The provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Education Code 29.004; and
  - d. A regular review of the student's progress toward the student's academic or career goals.

*Education Code 37.023(d)*

Parent Meeting

If practicable, the campus administrator, or the administrator's designee, shall meet with the student's parent or a person standing in parental relation to the student to coordinate plans for the student's transition.

Applicability

Education Code 37.023 applies only to a student subject to compulsory attendance requirements under Education Code 25.085 [see FEA].

*Education Code 37.023(e)–(f)*

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**Planning and  
Decision-Making  
Process**

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

*Education Code 11.251(g)*

**Evaluation**

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

**Administrative  
Procedure**

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

*Education Code 11.251(d)*

**Federal  
Requirements**

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*

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**Required Plans**

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

*Education Code 11.251(a)*

Shared Services  
Arrangement for  
DAEP Services

A district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

*19 TAC 103.1201(b)*

District  
Improvement Plan

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

Availability to  
TEA

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must make the plan available to TEA on request. *Education Code 11.252(b)*



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*Required  
Provisions*

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
3. Strategies for improvement of student performance that include:
  - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
  - b. Evidence-based practices that address the needs of students for special programs, including:
    - (1) Suicide prevention programs, in accordance with Education Code Chapter 38, Subchapter G, which include a parental or guardian notification procedure [see FFEB];
    - (2) Conflict resolution programs;
    - (3) Violence prevention programs; and
    - (4) Dyslexia treatment programs.
  - c. Dropout reduction.
  - d. Integration of technology in instructional and administrative programs.
  - e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.
  - f. Staff development for professional staff of a district.
  - g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

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- h. Accelerated education.
    - i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]
- 4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
  - a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.
  - b. The need for students to make informed curriculum choices to be prepared for success beyond high school.
  - c. Sources of information on higher education admissions and financial aid.
- 5. Resources needed to implement identified strategies.
- 6. Staff responsible for ensuring the accomplishment of each strategy.
- 7. Timelines for ongoing monitoring of the implementation of each improvement strategy.
- 8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.
- 9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]
- 10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

*Education Code 11.252(a)*

Law Enforcement Duties	The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. <i>Education Code 37.081(d)(1)</i> [See CKE]
Discipline Management	A district shall adopt and implement a discipline management program to be included in the district improvement plan. <i>Education Code 37.083(a)</i> [See FNC]
Dating Violence	A district shall adopt and implement a dating violence policy to be included in the district improvement plan. <i>Education Code 37.0831</i> [See FFH]

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Mental Health, Substance Abuse, and Suicide	The practices and procedures developed under Education Code 38.351(i) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. <i>Education Code 38.351(k)(2)</i> [See FFEB]
Campus-Level Plan	<p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. <i>Education Code 11.253(c)</i></p> <p>Each campus improvement plan must:</p> <ol style="list-style-type: none"><li>1. Assess the academic achievement for each student in the school using the achievement indicator system.</li><li>2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.</li><li>3. Identify how the campus goals will be met for each student.</li><li>4. Determine the resources needed to implement the plan.</li><li>5. Identify staff needed to implement the plan.</li><li>6. Set timelines for reaching the goals.</li><li>7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.</li><li>8. Include goals and methods for violence prevention and intervention on campus.</li><li>9. Provide for a program to encourage parental involvement at the campus.</li><li>10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:<ol style="list-style-type: none"><li>a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;</li></ol></li></ol>

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- b. Student academic performance data;
- c. Student attendance rates;
- d. The percentage of students who are educationally disadvantaged;
- e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
- f. Any other indicator recommended by the local school health advisory council.

*Education Code 11.253(d)*

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The Board shall approve and periodically review the District's vision, mission, and goals to improve student performance. The vision, mission, goals, and the approved District and campus objectives shall be mutually supportive and shall support the state goals and objectives under Education Code, Chapter 4. [See AE]

**District Improvement Planning Process**

The District's planning process to improve student performance includes the development of the District's educational goals, the legal requirements for the District and campus improvement plans, all pertinent federal planning requirements, and administrative procedures. The Board shall approve the process under which the educational goals are developed and shall ensure that input is gathered from the District-level committee. [See BQA]

**Parent and Family Engagement Plan**

The Board shall ensure that the District and campus improvement plans, as applicable, address all elements required by federal law for receipt of Title I, Part A funds, including elements pertaining to parent and family engagement. The District-level and campus-level committees shall involve parents and family members of District students in the development of such plans and in the process for campus review and improvement of student academic achievement and campus performance. [See EHBD]

**Administrative Procedures and Reports**

The Board shall ensure that administrative procedures are developed in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization; adequately reflect the District's planning process; and include implementation guidelines, time frames, and necessary resources. The District-level and campus-level committees shall be involved in the development of these procedures. [See BQA and BQB]

The Superintendent shall report periodically to the Board on the status of the planning process, including a review of the related administrative procedures, any revisions to improve the process, and progress on implementation of identified strategies.

**Evaluation**

The Board shall ensure that data are gathered and criteria are developed to undertake the required biennial evaluation to ensure that policies, procedures, and staff development activities related to planning and decision-making are effectively structured to positively impact student performance.

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**Compensatory  
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.  
*Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
  - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
  - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

*Education Code 48.104(k)*

Dropout Prevention  
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

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- a. High-quality, college readiness instruction with strong academic and social supports;
  - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
  - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

*Education Code 29.918*

**Educationally  
Disadvantaged  
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

*19 TAC 61.1027(a)*

Virtual School  
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the

state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

**Definition of At-Risk Student**

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;



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11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07.

*Education Code 29.081(d)(1)*

Regardless of the student's age, a student who participates in an adult education program provided under a high school diploma and industry certification charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility  
Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

**Compensatory,  
Intensive, and  
Accelerated  
Instruction**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Accelerated  
Instruction

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the

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student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

*Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)*

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.  
*Education Code 28.0217*

*Effectiveness*

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

**Dropout Recovery  
Education Programs**

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

*Education Code 29.081(e)–(f)*

Communities in  
Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent

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of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

**Optional Extended  
Year Program**

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

**Optional Flexible  
Year Program**

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

**Optional Flexible  
School Day Program**

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

*Education Code 29.0822*

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

*19 TAC 129.1027(c)*

**Tutorial Services**

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

*Education Code 29.084*

**Basic Skills  
Programs**

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

*Education Code 29.086(a)*

**After-School and  
Summer Intensive  
Mathematics and  
Science Programs**

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
  - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
  - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;

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4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

*Education Code 29.088, .090; 19 TAC 102.1041*

**Mentoring Services Program**

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

*Education Code 29.089*

**Accelerated Reading Instruction Program**

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

*Education Code 28.006(g), (g-1), (k)*

**Intensive Program of Instruction**

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
  - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
  - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

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Students Receiving Special Education Services	<p>For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:</p> <ol style="list-style-type: none"><li>1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and</li><li>2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]</li></ol>
Graduation Requirements	<p>A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.</p>
No Cause of Action	<p>A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.</p> <p><i>Education Code 28.0213</i></p>
College Preparatory Courses	<p>Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:</p> <ol style="list-style-type: none"><li>1. For students at the 12th grade level whose performance on:<ol style="list-style-type: none"><li>a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or</li><li>b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and</li></ol></li><li>2. To prepare students for success in entry-level college courses.</li></ol> <p>A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.</p>
Faculty	<p>Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.</p>

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Notice	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
Dual Credit	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
Instructional Materials	Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.  <i>Education Code 28.014</i>
End-of-Course Exam	A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. <i>Education Code 39.025(a-1)</i>

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(LOCAL)

A student shall be identified as at risk of failing or at risk of dropping out of school if the student has performed below grade-level on one or more of the following: standardized tests, state assessments, District assessments, and/or classroom assessments. The principal shall ensure that each student identified as at risk is provided accelerated and/or compensatory educational services.

The services provided each student shall be consistent with the goals and strategies established in the District and campus improvement plans and shall be reviewed for effectiveness at the close of each grading period. Parents shall be encouraged to participate in the planning of educational services for their child and shall be kept informed regarding the child's progress toward educational goals.

Parents of students who are not successful in meeting requirements for promotion shall be informed of any available options, such as an extended year program or summer school.

[See EIE]



**Parental Notice of  
Assistance for  
Learning Difficulties**

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
3. Include:
  - a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
  - b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
  - c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
  - d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
  - e. A copy of the explanation provided under Education Code 26.0081(c). [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

*Education Code 26.0081(d)–(e)*

“Intervention strategy” means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. *Education Code 26.004(a)*

**Dyslexia and Related  
Disorders**

Districts shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services. A board must ensure that procedures for identifying a stu-

dent with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to students are implemented in the district.

District procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* available on [TEA's Dyslexia and Related Disorders webpage](#).<sup>1</sup> Districts shall provide a copy or a link to the electronic version of the *Dyslexia Handbook* to parents of children suspected to have dyslexia or a related disorder.

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28.

*19 TAC 74.28(a)–(c), (l)–(m)*

Compliance  
Monitoring

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). *19 TAC 74.28(n)*

Screening, Testing,  
and Identification

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. *Education Code 38.003(a)*

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. A district may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Screening, as described in the *Dyslexia Handbook*, and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

*19 TAC 74.28(d), (j)*

Parent Notification	<p>At least five school days before any identification or evaluation procedure is used selectively with an individual student, a district must provide written notification of the proposed identification or evaluation to the student's parent or guardian or another person standing in parental relation to the student. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:</p> <ol style="list-style-type: none"><li>1. A reasonable description of the evaluation procedure to be used with the individual student;</li><li>2. Information related to any instructional intervention or strategy used to assist the student prior to evaluation;</li><li>3. An estimated time frame within which the evaluation will be completed; and</li><li>4. Specific contact information for the campus point of contact, relevant parent training and information projects, and any other appropriate parent resources.</li></ol>
<i>IDEA Notice</i>	<p>Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), a district must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, provide all the information required in the above notice, and provide an opportunity for written consent for the evaluation. The district must also provide a copy of the IDEA procedural safeguards notice required under 34 C.F.R. 300.504 and a copy of Section 504 information required under Education Code 26.0081. [See EHBAE and FB]</p>
<i>Options and Services</i>	<p>Parents or guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by Education Code 26.0081(d), and options under federal law, including IDEA, and the Rehabilitation Act, Section 504.</p> <p><i>19 TAC 74.28(f)–(h)</i></p>
Parent Education	<p>A district shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program must include:</p> <ol style="list-style-type: none"><li>1. Awareness and characteristics of dyslexia and related disorders;</li></ol>

2. Information on testing and diagnosis of dyslexia and related disorders;
3. Information on effective strategies for teaching students with dyslexia and related disorders;
4. Information on qualifications of those delivering services to students with dyslexia and related disorders;
5. Awareness of information on accommodations and modifications, especially those allowed for standardized testing;
6. Information on eligibility, evaluation requests, and services available under IDEA and Section 504 and information on the response to intervention process; and
7. Contact information for the relevant regional and/or district specialists.

*Education Code 38.003; 19 TAC 74.28(l)*

Treatment

Each school must provide each identified student access at his or her campus to instructional programs required at Reading Program, below, and to the services of a teacher trained in dyslexia and related disorders. A district may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus. *19 TAC 74.28(i)*

Reading Program

A district shall purchase a reading program or develop its own reading program that is aligned with the descriptors in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by the district- and/or campus-level committees shall include these instructional strategies.

*19 TAC 74.28(e)*

Reassessment

Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. *Education Code 38.003(b-1)*

Audiobook Program  
Notification

A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or

other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. *Education Code 28.006(g-2)*

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<sup>1</sup> TEA Dyslexia and Related Disorders webpage: <https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders>

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**Note:** The following contains basic requirements for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds. [For federal accountability standards, see AID. For requirements regarding federal funding, see CBB.]

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**Parent and Family  
Engagement Plan**

A district may receive funds under Title I, Part A only if the district conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. The programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. *20 U.S.C. 6318(a)(1)*

District Policy

A district that receives Title I, Part A funds shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into a district plan developed under 20 U.S.C. 6312 [TEA-approved plan to receive Title I funds], establish the district's expectations and objectives for meaningful parent and family involvement, and describe how the district will:

1. Involve parents and family members in jointly developing the district plan, and the development of support and improvement plans under paragraphs (1) and (2) of section 6311(d);
2. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
3. Coordinate and integrate parent and family engagement strategies under Title I, Part A with parent and family engagement strategies to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;
4. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effective-

tiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I, Part A, including identifying:

- a. Barriers to greater participation by parents in activities authorized by section 6318 (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
  - b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
  - c. Strategies to support successful school and family interactions;
5. Use the findings of the above evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in section 6318; and
  6. Involve parents in the activities of the schools served under Title I, Part A, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.

*20 U.S.C. 6318(a)(2) [See BQ(LOCAL)]*

School Policy

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *20 U.S.C. 6318(b)*

**Fiscal Requirements**

Maintenance of  
Effort

A district may receive funds under this part for any fiscal year only if TEA finds that the district has maintained their fiscal effort in accordance with 20 U.S.C. 7901. *20 U.S.C. 6321(a)*

Supplement, Not  
Supplant

A district shall use federal funds received under Title I, Part A only to supplement, not supplant, the funds that would, in the absence

of such federal funds, be made available from state and local sources for the education of students participating in programs assisted under Part A. *20 U.S.C. 6321(b)*

Comparability

A district may receive funds under Title I, Part A only if state and local funds will be used in Title I, Part A schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I, Part A funds. A district may meet this requirement on a grade-span by grade-span basis or a school-by-school basis.

For purposes of determining comparability, a district may exclude state and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the district.

A district shall be considered to have met the comparability requirements if the district has filed with TEA a written assurance that the district has established and implemented:

1. A district-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

*20 U.S.C. 6321(c)*

Prohibited Use of  
Funds

No funds under the Elementary and Secondary Education Act (ESEA) may be used:

1. For construction, renovation, or repair of any school facility, except as authorized under ESEA;
2. For transportation unless otherwise authorized under ESEA;
3. To develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
4. To distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
5. To provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
6. To operate a program of contraceptive distribution in schools.



*20 U.S.C. 7906*

**Private Schools**

After timely and meaningful consultation [as described at 20 U.S.C. 6320(b)] with appropriate private school officials, a district shall provide eligible children [as that term is defined at 20 U.S.C. 6315(c)] enrolled in private elementary and secondary schools, on an equitable basis and individually or in combination, with special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under Title I, Part A that address their needs.

The educational services and other benefits may include dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment. The services and benefits, including materials and equipment, shall be secular, neutral, and non-ideological, shall be equitable in comparison to services and other benefits for public school children participating in Title I, Part A programs, and shall be provided in a timely manner. A district may provide services directly or through contracts with public and private agencies, organizations, and institutions.

A district shall also ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to 20 U.S.C. 6318 (parent and family engagement).

*20 U.S.C. 6320*

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**Note:** See DBA for qualifications of teachers in Title I programs.

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**Homeless Children**

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act, a district shall serve homeless children according to their best interests. *McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11432(g)(3)* [See FD, FDC, and FFC]

As required by law in order to receive Title I, Part A funds, the District shall provide to TEA written assurance regarding comparability of services across the District in teachers, administrators, and other staff, as well as in the provision of curriculum materials and instructional supplies.

For information on the District salary schedule, see DEA(LOCAL).

**Comparability of  
Services**

As reflected in District records and as submitted to TEA, the District shall document compliance by using one of the following methods:

1. Comparison of state and local expenditures per student;
2. Comparison of per-student expenditures for state and local base salaries; or
3. Ratio of students to full-time equivalent instructional staff whose salaries are not federally funded.

In special programs, such as special education, bilingual education, or English as a second language, a lower ratio may be maintained and more money may be spent per individual campus as necessary to fulfill other legal requirements. These costs shall be excluded from the comparability of services calculations.

STUDENT RIGHTS AND RESPONSIBILITIES  
PREGNANT STUDENTS

FNE  
(LEGAL)

**Title IX**

The District shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the District's program or activity. [See FB]

Medical Certification

The District may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

Separate Program

A district that operates a separate, voluntary program or activity for pregnant students shall ensure that the separate portion is comparable to that offered to nonpregnant students.

**Leave of Absence**

If the District does not maintain a leave policy for its students, or if a student does not otherwise qualify for leave under such a policy, the District shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence for as long as the student's physician deems medically necessary.

At the end of the leave, the District shall reinstate the student to the status she held when the leave began.

*20 U.S.C. 1681; 34 CFR 106.40(b)*

STUDENT RIGHTS AND RESPONSIBILITIES  
PREGNANT STUDENTS

FNE  
(LOCAL)

Pregnant students have the right to continue their education during pregnancy [see FB] and may choose to exercise that right by:

1. Remaining in the regular school program.
2. Participating in any other special program the District may provide for pregnant students. [See EHBC and EHBD]

The student may also choose to request a leave of absence. Such request shall be accompanied by a licensed physician's certification that the leave is a medical necessity. Students who avail themselves of this option are exempt from compulsory attendance during the period certified by the physician as necessary for the leave of absence.

SPECIAL PROGRAMS  
CAREER AND TECHNICAL EDUCATION

EHBF  
(LEGAL)

**Career and  
Technology Program**

Each public school student shall master the basic skills and knowledge necessary for managing the dual roles of family member and wage earner and for gaining entry-level employment in a high-skill, high-wage job or continuing the student's education at the post-secondary level. *Education Code 29.181.*

The board may conduct and supervise career and technology classes and other educational programs for students and for other persons of all ages and spend local maintenance funds for the cost of those classes and programs. In developing a career and technology program, the board shall consider the state plan for career and technology education. *Education Code 29.183 [See EEL]*

**Distinguished  
Achievement in  
Career and  
Technology  
Education**

The board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum [see EHAA] and under which a student may:

1. Receive specific education in a career and technology profession that leads to postsecondary education or meets or exceeds business or industry standards;
2. Obtain from a district an award for distinguished achievement in career and technology education and a stamp or other notation on the student's transcript that indicates receipt of the award.

An award granted under this section is not in lieu of a diploma or certificate of coursework completion. [See EI]

In developing the program, the board shall consider the state plan for career and technology education. The board must submit the proposed program to the commissioner of education in accordance with criteria established by the commissioner.

**Contracts with  
Other Entities**

The board may contract with an entity listed in Education Code 29.184(a) [see EEL] for assistance in developing the program or providing instruction to district students participating in the program. The board may also contract with a local business or a local institution of higher education for assistance in developing or operating a career and technology education program. A program may provide education in areas of technology unique to the local area.

*Education Code 29.187*

*Insurance*

The board may provide insurance to protect a business that contracts with a district under this provision. [See CRB] *Education Code 29.191*

**Applicability**

The following provisions apply only to districts receiving federal career and technical education funds. *19 TAC 75.1021*

SPECIAL PROGRAMS  
CAREER AND TECHNICAL EDUCATION

EHBF  
(LEGAL)

Federal CTE Funding	<p>An eligible secondary entity seeking financial assistance under the Carl D. Perkins Act of 2006 shall submit a local plan to the Texas Education Agency (TEA) as described in 20 U.S.C. 2354, in accordance with requirements establish by TEA. Each eligible recipient that receives funding under the Carl D. Perkins Act of 2006 shall use the funds to improve career and technical education programs in compliance with 20 U.S.C. 2355. <i>19 TAC 75.1022</i></p> <p>For information regarding federal career and technical funds under the “Strengthening Career and Technical Education for the 21st Century Act” (the reauthorization of the Carl D. Perkins Act of 2006), see 20 U.S.C. 2301 et seq.</p>
Program Evaluation	<p>A district shall annually evaluate its career and technical education programs. <i>19 TAC 75.1025</i></p>
Special Populations	<p>Members of special populations shall be provided career and technical services in accordance with all applicable federal and state laws, regulations, and rules. <i>19 TAC 75.1023(a)</i></p>
<i>Definition</i>	<p>For purposes of this section, a “member of a special population” includes:</p> <ol style="list-style-type: none"><li>1. An individual with a disability [see EHBAB];</li><li>2. An individual from an economically disadvantaged family, including low-income youth and adults;</li><li>3. An individual preparing for nontraditional fields;</li><li>4. A single parent, including a single pregnant woman;</li><li>5. An out-of-workforce individual;</li><li>6. An English learner;</li><li>7. A homeless individual described in Section 725 of the McKinney-Vento Homeless Assistance Act;</li><li>8. Youth who are in, or have aged out of, the foster care system; and</li><li>9. Youth with a parent who is a member of the armed forces and is on active duty.</li></ol> <p><i>20 U.S.C. 2302(29)</i></p>
Students with Disabilities	<p>A student with a disability shall be provided career and technical education in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act (IDEA) of 2004 and its implementing regulations, state statutes, and rules of the SBOE and the commissioner.</p>

SPECIAL PROGRAMS  
CAREER AND TECHNICAL EDUCATION

EHBF  
(LEGAL)

A student with a disability shall be instructed in accordance with the student's individualized education program (IEP), in the least restrictive environment, as determined by the admission, review, and dismissal (ARD) committee. If a student with a disability is unable to receive a free appropriate public education (educational benefit) in a regular career and technical education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technical education for students with disabilities (CTED). [See EHBA]

A student with a disability identified in accordance with IDEA of 2004 is an eligible participant in career and technical education when the following requirements are met:

1. The ARD committee shall include a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in career and technical education program;
2. Planning for the student shall be coordinated among career and technical education, special education, and state rehabilitation agencies and should include a coherent sequence of courses;
3. A district shall monitor to determine if the instruction being provided a student with a disability in career and technical education classes is consistent with the student's IEP;
4. A district shall provide supplementary services that each student with a disability needs to successfully complete a career and technical education program, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices;
5. A district shall help fulfill the transitional service requirements of the IDEA of 2004 and implementing regulations, state statutes, and rules of the commissioner for each student with a disability who is completing a coherent sequence of career and technical education courses; and
6. When determining placement in a career and technical education classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA of 2004 and its implementing regulations.

*19 TAC 75.1023*

SPECIAL PROGRAMS  
CAREER AND TECHNICAL EDUCATION

EHBF  
(LEGAL)

Student  
Organizations

A district may use federal career and technical education funds to provide opportunities for student participation in approved student leadership organizations and assist career and technical student organizations in accordance with all applicable federal and state laws, rules, and regulations. A student shall not, however, be required to join a career and technical student organization. Student participation in career and technical student organizations shall be governed in accordance with 19 Administrative Code Chapter 76 (extracurricular activities).

The following career and technical student organizations are recognized by the U.S. Department of Education and TEA:

1. Business Professionals of America (BPA);
2. DECA;
3. Future Business Leaders of America (FBLA);
4. FFA;
5. Family, Career, and Community Leaders of America (FCCLA);
6. Health Occupations Students of America (HOSA);
7. Technology Student Association (TSA); and
8. SkillsUSA.

*19 TAC 75.1024 [See FM]*

**Certification Subsidy**

A student is entitled to a subsidy for a certification exam if:

1. The student:
  - a. Successfully completes the career and technology program of a school district in which the student receives training and instruction for employment; or
  - b. Is enrolled in a special education program under Education Code Chapter 29, Subchapter A; and
2. The student passes a certification examination to qualify for a license or certificate that is an industry certification for purposes of state accountability [see AIA], administered while the student is enrolled in a school district.

A student may not receive more than one subsidy under Education Code 29.190.

To obtain reimbursement for a subsidy paid under this provision, a district must pay the fee for the examination and submit to the commissioner a written application on a form prescribed by the



commissioner stating the amount of the fee paid for the certification examination.

*Education Code 29.190*

A district is entitled to reimbursement for the amount of a subsidy paid by the district for a student's certification examination under these provisions. *Education Code 48.156*

INSTRUCTIONAL ARRANGEMENTS  
CONTRACTS WITH OUTSIDE AGENCIES

EEL  
(LEGAL)

**Career and  
Technology  
Education**

A board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for district students. *Education Code 29.184(a)* [See EHBF]

In addition, a board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. *Education Code 29.187* [See also CRB and EHBF]

**Students with  
Disabilities**

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a)* [See EHBA]

**Educational Services**

A board may contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157*

Pre-K Licensing  
Standards

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

**Driver Training  
Schools**

A district school may enter into an agreement with a driver training school licensed under Education Code Chapter 1001 to allow the driver training school to conduct a driver training course at the public school for public school students. *Education Code 29.902(c)(2), 1001.353*

**Military Instruction**

Junior Reserve  
Officers' Training  
Corps (JROTC)

The secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to 10 U.S.C. 2031.

Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to home-schooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution). A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.

*10 U.S.C. 2031(a)(1), (g)*

INSTRUCTIONAL ARRANGEMENTS  
CONTRACTS WITH OUTSIDE AGENCIES

EEL  
(LEGAL)

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**Note:** The provision below applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.

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A board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. *Education Code 29.901*

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

**Notice to Parents**

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs. The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

*Education Code 28.010*

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**Note:** For information on dual credit courses available through the [Texas Virtual School Network](#)<sup>1</sup> (TXVSN), see EHDE.

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**College Credit Program**

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

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2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or
3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student's tuition or other associated costs for taking a course under this section.

Agreements

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program must:

1. Include specific program goals aligned with statewide goals developed jointly by TEA and the THECB;
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements offered by the district [see EIF] and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by TEA, THECB, or the Texas Workforce Commission, to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;

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6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;
8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program; and
10. Be posted each year on the district's and the institution's respective websites.

*Education Code 28.009; 19 TAC 4.84*

**College-Level  
Courses**

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;
2. Middle States Association of Colleges and Schools;
3. New England Association of Colleges and Schools;
4. North Central Association of Colleges and Schools;
5. Western Association of Colleges and Schools; or
6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

*19 TAC 74.25*

**Dual Credit  
Programs**

Definitions

For purposes of the following provisions, "college" means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined by Education Code 61.003.

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“Dual credit” means the system under which an eligible high school student enrolls in college course(s) and receives credit for the course(s) from both the college and high school.

*19 TAC 4.83(4), (7); Education Code 61.003(8)*

Partnership  
Agreements with  
Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

*Community  
College  
Jurisdiction*

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

*Education Code 130.008(a-1), (a-2), (d)*

Student Eligibility

A high school student is eligible to enroll in academic dual credit courses and workforce education dual credit courses as permitted by 19 Administrative Code 4.85(b).

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college’s regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.

An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

*19 TAC 4.85(b)*

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Faculty Selection, Supervision, and Evaluation	The college shall select, supervise, and evaluate instructors in accordance with 19 Administrative Code 4.85(e). <i>19 TAC 4.85(e)</i>
Transcript	For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course. <i>19 TAC 4.85(h)</i>
Qualified Instructor	<p>A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:</p> <ol style="list-style-type: none"><li>1. A doctoral or master's degree in the discipline that is the subject of the course;</li><li>2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or</li><li>3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:<ol style="list-style-type: none"><li>a. A degree described above;</li><li>b. A baccalaureate degree in the discipline that is the subject of the course; or</li><li>c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.</li></ol></li></ol> <p>Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the district with which the junior college entered into an agreement to offer the course.</p> <p><i>Education Code 130.008(g), (h)</i></p>
Attendance Accounting	<p>The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. <i>Education Code 48.005(g)</i> [See FEB]</p> <p>The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. <i>Education Code 48.007(a)</i></p>



ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

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*Reporting Off-  
Campus  
Programs*

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

*19 TAC 129.1031*

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit  
Agreement

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the school district and the public college prior to the offering of such courses.

Any agreement entered into or renewed between a public institution of higher education and school district on or after September 1, 2019, including a memorandum of understanding or articulation agreement, must meet the requirements of 19 Administrative Code 4.84(c).

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;

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4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and gathering;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

*19 TAC 4.84*

**Instructional  
Partnerships with  
Community College  
Districts**

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see High School Credit-Only Courses, below).
2. Award of Dual Credit (see Dual Credit Programs, above).
3. Tech-Prep Programs (see Tech-Prep Programs, below).
4. Remedial or Developmental Instruction for High School Graduates (see Remedial Programs, below).
5. College Preparatory Courses for High School Students (see College Preparatory Courses, below)

*19 TAC 9.143*

**Agreement**

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcribing of credit.
8. Funding provisions.

*19 TAC 9.144*

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High School Credit-Only Courses	A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. <i>19 TAC 9.125, .143(a)</i>
Tech-Prep Programs	A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. <i>19 TAC 9.143(c)</i>
Remedial Programs	<p>A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college.</p> <p>Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (Assessment Instruments).</p> <p>High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below).</p> <p>The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit.</p> <p><i>Education Code 130.090; 19 TAC 9.125, .143(d), .146</i></p> <p>An institution of higher education shall use the Texas Success Initiative (TSI) Assessment offered by the College Board as the only THECB-approved assessment instrument. <i>19 TAC 4.56</i></p>
College Preparatory Courses	College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. <i>19 TAC 9.147</i>

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**Certain Academies**

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*

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<sup>1</sup> Texas Virtual School Network: <http://www.txvsn.org/>

ALTERNATIVE METHODS FOR EARNING CREDIT  
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**Partnership  
Programs**

An eligible student may enroll in a partnership program with a Texas college or university in accordance with an agreement between the District and the college or university.

The District shall award credit toward high school graduation in accordance with the agreement between the District and the college or university.

**Other College-Level  
Courses**

The District may award a student credit for completing a college-level course at an accredited college or university that is not in a partnership program with the District. Award of credit shall be based on administrator approval in accordance with District guidelines.

**Texas Virtual School  
Network**

According to guidelines established by the Texas Virtual School Network (TxVSN) and the course provider, the District may enroll a student in college-level courses through the TxVSN. When the student successfully completes a course, credit shall be applied toward graduation requirements. [See EHDE]

<b>Employment Policies</b>	<p>A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:</p> <ol style="list-style-type: none"><li>1. A board employs and evaluates the superintendent;</li><li>2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];</li><li>3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];</li><li>4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and</li><li>5. Each employee has the right to present grievances to the board. [See Grievances, below]</li></ol> <p><i>Education Code 11.1513</i></p>
Tax Identifier	<p>A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. <i>Education Code 11.1514</i> [See DBA]</p>
Contract Positions	<p>A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. <i>Education Code 21.002(c)</i> [See DCB and DCC]</p>
Delegation of Authority	<p>A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. <i>Education Code 11.1513(c)</i> [For nepotism implications, see BBFB and DBE]</p>
<b>Internal Auditor</b>	<p>If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. <i>Education Code 11.170</i> [See CFC]</p>
<b>Superintendent Recommendation</b>	<p>A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. <i>Education Code 11.1513(b)</i></p>

**Posting of Vacancies**

A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
  - a. A bulletin board at:
    - (1) A place convenient to the public in the district's central administrative office, and
    - (2) The central administrative office of each campus during any time the office is open; or
  - b. The district's internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

*Education Code 11.1513(d)*

Exception

If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

**Grievances**

A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

*Education Code 11.1513(i)–(j)* [See DGBA]

**Transfers**

A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

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<b>Contract Employees</b>	A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. <i>Education Code 21.002</i>
Classroom Teacher	“Classroom teacher” means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher’s aide or a full-time administrator. <i>Education Code 5.001(2)</i>
Minimum Length of Contract	A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. <i>Education Code 21.401(a), (b)</i>
<i>Proportionate Reduction</i>	If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district’s academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator’s salary. <i>Education Code 21.401(c-1)</i>
<i>Commissioner Waiver</i>	The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator’s salary. <i>Education Code 21.401(c), 25.081(b)</i>
<b>Educational Aides</b>	A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. <i>Education Code 54.363(f)</i>
<b>Employment of Retirees</b>	<p>A district shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. A district shall inform TRS of changes in status of the district that affect the district’s reporting responsibilities.</p> <p>The certified statement must include information regarding:</p> <ol style="list-style-type: none"><li>1. Employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the district that employees of the district would otherwise perform or provide; and</li><li>2. Retirees who retired within twelve full, consecutive calendar months of the month of the monthly certified statement and are performing duties or providing services for or on behalf of</li></ol>



the district that employees of the district would otherwise perform or provide, and are:

- a. Waiving, deferring, or forgoing compensation for the services or duties;
- b. Performing the duties or providing the services as an independent contractor; or
- c. Serving as a volunteer without compensation and performing the same duties or providing the same services for a reporting entity that the retiree performed or provided immediately before retiring and the retiree has an agreement to perform those duties or provide those services after the first 12 full, consecutive calendar months after the retiree's effective date of retirement.

A district that fails to attain a completed status for the monthly certified statement as required by 34 Administrative Code 31.2 shall pay to TRS, in addition to the required employer surcharges and any applicable penalty interest on the unpaid amounts, the late fee established in 34 Administrative Code 31.2(d) for each business day that the monthly certified statement fails to attain a completed status.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

*Gov't Code 824.6022, 825.403(k); 34 TAC 31.2*

**Former Board  
Member Employment**

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

**New Hires**  
I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of

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completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

*8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)*

New Hire Reporting

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

*Deadline*

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

*Penalties*

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

*42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I*

**Social Security  
Numbers**

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

*Exceptions*

The federal law does not apply to:

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1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

*Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)*

**Employment  
Assistance  
Prohibited**

Federal Law

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

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2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

*20 U.S.C 7926 [See also CJ]*

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

*Education Code 21.0581; 19 TAC 249.15(b)(13)*

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<b>Personnel Duties</b>	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
<b>Posting Vacancies</b>	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.
<b>Applications</b>	<p>All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.</p> <p>[For information related to the evaluation of criminal history records, see DBAA.]</p>
<b>Employment of Contractual Personnel</b>	<p>The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel.</p> <p>The Board retains final authority for employment of assistant principals, principals, band directors, athletic directors, and head coaches. The Board delegates to the Superintendent final authority to hire all other contractual employees. [See DCA, DCB, DCC, and DCE as appropriate]</p>
<b>Employment of Noncontractual Personnel</b>	The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]
<b>Employment Assistance Prohibited</b>	No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

STUDENT WELFARE  
CHILD ABUSE AND NEGLECT

FFG  
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**Program to Address  
Child Sexual Abuse,  
Trafficking, and  
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child  
Abuse and Neglect**

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has cause to believe that an adult was a victim of abuse or neglect as a child

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and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

**Restrictions on Reporting**

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

**Making a Report**

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#)<sup>1</sup>;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

**Confidentiality**

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential

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and disclosed only in accordance with the rules of the investigating agency.

**Immunity**

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

**Failing to Report  
Suspected Child  
Abuse or Neglect**

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

**Responsibilities  
Regarding  
Investigations**

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

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<sup>1</sup> Texas Abuse Hotline Website: <http://www.txabusehotline.org>



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**Sexual Abuse,  
Trafficking, and  
Maltreatment  
Policies and  
Programs**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

*19 TAC 61.1051(b)(3)*

**Definitions**

Child Abuse or  
Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a  
Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

*19 TAC 61.1051(a)*

**Duty to Report**

By Any Person

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

*Abuse of Persons  
with Disabilities*

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

*Human Resources Code 48.051, .052, .054*

By a Professional

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

*Family Code 261.101(b)*

Adult Victims of  
Abuse

A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Psychotropic Drugs  
and Psychological  
Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

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2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

*Education Code 26.0091; Family Code 261.111(a)* [See FFEB]

**Contents of Report**

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

*Family Code 261.102, .104*

**To Whom Reported**

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

*Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)*

JJAEPs

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**Immunity from Liability**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

**Criminal Offenses**

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

*Family Code 261.109*

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

**Confidentiality of Report**

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act), and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

**SBEC Disciplinary Action**

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code

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21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–  
(f). 19 TAC 249.15(b)(4)

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**Note:** The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school.

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**Investigations**

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with  
Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

**Reporting Policy**

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. 19 TAC 61.1051(b)

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. 19 TAC 61.1051(b)(1)

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The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
  - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
  - b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

*19 TAC 61.1051(b)(2)*

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and

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3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

*19 TAC 61.1051(b)(5)–(b)(8)*

Annual Distribution  
and Staff  
Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

**Required Poster**

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS [Texas Abuse Hotline website](https://www.txabusehotline.org/)<sup>1</sup> for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

*Education Code 38.0042; 19 TAC 61.1051(e)–(f)*

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<sup>1</sup> Texas Abuse Hotline website: <https://www.txabusehotline.org/>

## **Threat Assessment**

### Definitions

“Harmful, threatening, or violent behavior” includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student’s expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

“Team” means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

### *Education Code 37.115(a)*

### Threat Assessment Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs; and
3. Require each team established under this section to report the required information regarding the team’s activities to TEA [see Reporting to TEA, below].

### Membership

The superintendent shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more



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than one campus of a district, provided that each district campus is assigned a team.

Oversight  
Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:
  - a. Referring a student for mental health assessment; and
  - b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;
2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and
3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Consent for Mental  
Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

*Education Code 37.115(c)–(g)*

Determination of  
Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the

parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

*Education Code 37.115(h)–(j)*

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
  - a. Any disciplinary action taken, including a change in school placement;
  - b. Any action taken by law enforcement; or
  - c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
  - a. Citations issued for Class C misdemeanor offenses;
  - b. Arrests;
  - c. Incidents of uses of restraint;

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- d. Changes in school placement, including placement in a JJAEP or DAEP;
  - e. Referrals to or changes in counseling, mental health, special education, or other services;
  - f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;
  - g. Unexcused absences of 15 or more days during the school year; and
  - h. Referrals to juvenile court for truancy; and
5. The number and percentage of school personnel trained in:
- a. A best-practices program or research-based practice under Health and Safety Code 161.325 [redesignated to Education Code 38.351, see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;
  - b. Mental health or psychological first aid for schools;
  - c. Training relating to the safe and supportive school program; or
  - d. Any other program relating to safety identified by the commissioner.

*Education Code 37.115(k)*

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**Threat Assessment  
and Safe and  
Supportive Team**

In compliance with law, the Superintendent shall ensure that a multidisciplinary threat assessment and safe and supportive team is established to serve each campus. The Superintendent shall appoint team members. The team shall be responsible for developing and implementing a safe and supportive school program at each campus served by the team and shall support the District in implementing its multi-hazard emergency operations plan.

Training

Each team shall complete training provided by an approved provider on evidence-based threat assessment programs.

Imminent Threats or  
Emergencies

A member of the team or any District employee may act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly.

Threat Assessment  
Process

The District shall develop procedures as recommended by the Texas School Safety Center. In accordance with those procedures, the threat assessment and safe and supportive team shall conduct threat assessments using a process that includes:

1. Identifying individuals, based on referrals, tips, or observations, whose behavior has raised concerns due to threats of violence or exhibition of behavior that is harmful, threatening, or violent.
2. Conducting an individualized assessment based on reasonably available information to determine whether the individual poses a threat of violence or poses a risk of harm to self or others and the level of risk.
3. Implementing appropriate intervention and monitoring strategies, if the team determines an individual poses a threat of harm to self or others. These strategies may include referral of a student for a mental health assessment and escalation procedures as appropriate.

For a student or other individual the team determines poses a serious risk of violence to self or others, the team shall immediately report to the Superintendent, who shall immediately attempt to contact the student's parent or guardian. Additionally, the Superintendent shall coordinate with law enforcement authorities as necessary and take other appropriate action in accordance with the District's multihazard emergency operations plan.

For a student the team identifies as at risk of suicide, the team shall follow the District's suicide prevention program.

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For a student the team identifies as having a substance abuse issue, the team shall follow the District's substance abuse program.

For a student whose conduct may constitute a violation of the District's Student Code of Conduct, the team shall make a referral to the campus behavior coordinator or other appropriate administrator to consider disciplinary action.

As appropriate, the team may refer a student:

1. To a local mental health authority or health-care provider for evaluation or treatment; or
2. For a full individualized and initial evaluation for special education services.

The team shall not provide any mental health-care services, except as permitted by law.

Guidance to School  
Community

The team shall provide guidance to students and District employees on recognizing harmful, threatening, or violent behavior that may pose a threat to another person, the campus, or the community and methods to report such behavior to the team, including through anonymous reporting.

Reports

The team shall provide reports to the Texas Education Agency as required by law.

## **Threat Assessment**

### Definitions

“Harmful, threatening, or violent behavior” includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student’s expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

“Team” means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

### *Education Code 37.115(a)*

### Threat Assessment Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs; and
3. Require each team established under this section to report the required information regarding the team’s activities to TEA [see Reporting to TEA, below].

### Membership

The superintendent shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more

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than one campus of a district, provided that each district campus is assigned a team.

Oversight  
Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:
  - a. Referring a student for mental health assessment; and
  - b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;
2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and
3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Consent for Mental  
Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

*Education Code 37.115(c)–(g)*

Determination of  
Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the

parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

*Education Code 37.115(h)–(j)*

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
  - a. Any disciplinary action taken, including a change in school placement;
  - b. Any action taken by law enforcement; or
  - c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
  - a. Citations issued for Class C misdemeanor offenses;
  - b. Arrests;
  - c. Incidents of uses of restraint;



STUDENT WELFARE  
CRISIS INTERVENTION

FFB  
(LEGAL)

- d. Changes in school placement, including placement in a JJAEP or DAEP;
  - e. Referrals to or changes in counseling, mental health, special education, or other services;
  - f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;
  - g. Unexcused absences of 15 or more days during the school year; and
  - h. Referrals to juvenile court for truancy; and
5. The number and percentage of school personnel trained in:
- a. A best-practices program or research-based practice under Health and Safety Code 161.325 [redesignated to Education Code 38.351, see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;
  - b. Mental health or psychological first aid for schools;
  - c. Training relating to the safe and supportive school program; or
  - d. Any other program relating to safety identified by the commissioner.

*Education Code 37.115(k)*

STUDENT WELFARE  
CRISIS INTERVENTION

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(LOCAL)

**Threat Assessment  
and Safe and  
Supportive Team**

In compliance with law, the Superintendent shall ensure that a multidisciplinary threat assessment and safe and supportive team is established to serve each campus. The Superintendent shall appoint team members. The team shall be responsible for developing and implementing a safe and supportive school program at each campus served by the team and shall support the District in implementing its multi-hazard emergency operations plan.

Training

Each team shall complete training provided by an approved provider on evidence-based threat assessment programs.

Imminent Threats or  
Emergencies

A member of the team or any District employee may act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly.

Threat Assessment  
Process

The District shall develop procedures as recommended by the Texas School Safety Center. In accordance with those procedures, the threat assessment and safe and supportive team shall conduct threat assessments using a process that includes:

1. Identifying individuals, based on referrals, tips, or observations, whose behavior has raised concerns due to threats of violence or exhibition of behavior that is harmful, threatening, or violent.
2. Conducting an individualized assessment based on reasonably available information to determine whether the individual poses a threat of violence or poses a risk of harm to self or others and the level of risk.
3. Implementing appropriate intervention and monitoring strategies, if the team determines an individual poses a threat of harm to self or others. These strategies may include referral of a student for a mental health assessment and escalation procedures as appropriate.

For a student or other individual the team determines poses a serious risk of violence to self or others, the team shall immediately report to the Superintendent, who shall immediately attempt to contact the student's parent or guardian. Additionally, the Superintendent shall coordinate with law enforcement authorities as necessary and take other appropriate action in accordance with the District's multihazard emergency operations plan.

For a student the team identifies as at risk of suicide, the team shall follow the District's suicide prevention program.

STUDENT WELFARE  
CRISIS INTERVENTION

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(LOCAL)

For a student the team identifies as having a substance abuse issue, the team shall follow the District's substance abuse program.

For a student whose conduct may constitute a violation of the District's Student Code of Conduct, the team shall make a referral to the campus behavior coordinator or other appropriate administrator to consider disciplinary action.

As appropriate, the team may refer a student:

1. To a local mental health authority or health-care provider for evaluation or treatment; or
2. For a full individualized and initial evaluation for special education services.

The team shall not provide any mental health-care services, except as permitted by law.

Guidance to School  
Community

The team shall provide guidance to students and District employees on recognizing harmful, threatening, or violent behavior that may pose a threat to another person, the campus, or the community and methods to report such behavior to the team, including through anonymous reporting.

Reports

The team shall provide reports to the Texas Education Agency as required by law.

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

<b>Staff Development</b>	
Educator	The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.
Principal	<p>The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]</p> <p><i>Education Code 21.451(a), (a-1)</i></p>
Training Specifics— Educators	<p>Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.</p> <p>A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]</p> <p><i>Education Code 21.451(b), (c)</i></p>
Optional Training	<p>Staff development may include training in:</p> <ol style="list-style-type: none"><li>1. Technology;</li><li>2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct; and</li><li>3. Digital learning.</li></ol> <p>Digital learning training must:</p> <ol style="list-style-type: none"><li>1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and</li><li>2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.</li></ol> <p>Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.</p> <p><i>Education Code 21.451(d)(1), (d-3), (g)</i></p>
Required Training	<p>Staff development must include training on:</p> <ol style="list-style-type: none"><li>1. Suicide prevention;</li><li>2. Recognizing signs of mental health conditions and substance abuse;</li></ol>

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

3. Strategies for establishing and maintaining positive relationships among students, including conflict resolution;
4. How grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and
5. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided on an annual basis, as part of a new employee orientation, to all new school district educators; and to existing school district educators on a schedule adopted by Texas Education Agency (TEA) rule. The training must use a best practice-based program recommended by TEA in coordination with the Health and Human Services Commission under Education Code 38.351 [see FFEB], and may include two or more topics listed together.

*Education Code 21.451(d)(3), (d-1)*

*Instruction of  
Students with  
Disabilities*

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

*Education Code 21.451(d)(2), (e)–(f)*

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

*Suicide  
Prevention*

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by TEA and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district employee must participate in the training at least one time; and the district shall maintain records that include the name of each district employee who participated in the training.

*Education Code 38.351(e), (g), (h); 19 TAC 153.1013*

Staff Development  
Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

**Child Abuse,  
Trafficking, and  
Maltreatment**

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided as part of new employee orientation to all new employees and to existing district employees not previously trained. The training may be included in staff development under Education Code 21.451.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include the name of each staff member who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

*Education Code 38.0041(c)–(f); 19 TAC 61.1051(d)*

**Trauma-Informed  
Care**

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees. [See BQ, FFBA] *Education Code 38.036(c)*

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

<b>Student Discipline</b>	<p>Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].</p> <p>The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.</p> <p><i>Education Code 37.0181</i></p>
<b>Test Administration Procedures</b>	<p>A district shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner. <i>19 TAC 101.3031(c)</i></p>
<b>Cybersecurity Training</b>	<p>Employees identified by the district with access to a district computer system or database must complete a cybersecurity training program selected by the board. [See CQB] <i>Gov't Code 2054.5191(a-1)</i></p>
<b>Special Programs Training</b>	<p>A teacher shall attend a Texas adolescent literacy academy under 19 Administrative Code 102.1101 if:</p>
Texas Adolescent Literacy Academies	<ol style="list-style-type: none"><li>1. The teacher teaches at a campus that receives a rating that reflects unacceptable performance and that fails to meet the state system safeguard performance target in reading for one or more student groups; and</li><li>2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:<ol style="list-style-type: none"><li>a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or</li><li>b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.</li></ol></li></ol>



PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

A teacher described above is required to complete the training not later than December 31 of the calendar year in which the rating that reflects unacceptable performance is assigned.

A teacher who is required to attend an academy is eligible for a teacher stipend upon completion of face-to-face training if funds have been appropriated and are available for that purpose. A teacher who completes online training is not eligible for a stipend.

The stipend shall not be considered in determining whether a district is paying the teacher the state minimum monthly salary [see DEA and DEAA].

Each school district with teachers required to attend and complete Texas adolescent reading academies must maintain records to verify teacher attendance and completion in accordance with the district's record retention policy.

*Education Code 21.4551(c), (e); 19 TAC 102.1101*

Teacher Literacy  
Achievement  
Academies

A district shall ensure that:

1. Not later than the 2021–22 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and
2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2021–22 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 before the teacher's or principal's first year of placement in that grade level or campus.

*Education Code 28.0062(a)(2)*

[See EHAB for kindergarten–grade 3 reading standards]

Gifted and Talented  
Education

A district shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

*19 TAC 89.2*

Elective Bible  
Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the commissioner with respect to Bible elective courses.  
*Education Code 28.011(f)*

**Automated External  
Defibrillators**

A district shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

*Education Code 22.902*

**Extracurricular  
Activity Safety  
Training**

The following persons must satisfactorily complete an extracurricular activity safety training program:

1. A coach or sponsor for an extracurricular athletic activity;
2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12;

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

3. A physician who is employed by a district or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and
4. A director responsible for a school marching band.

The training must be conducted by the University Interscholastic League (UIL) or by another organization as determined by the UIL.

*Education Code 33.202(b), (e), (f); 19 TAC 76.1003*

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

*Education Code 33.206; 19 TAC 76.1003(e)*

**Steroids**

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the district or a private entity with relevant expertise.

*Education Code 33.091(c-1)*

**Concussions**

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by

the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

*Education Code 38.158*

**Seizure Recognition  
and Related First Aid**

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

*Education Code 38.033(a), (b)*

[See FFAF for information about a seizure management and treatment plan.]

EDUCATIONAL PHILOSOPHY

AE  
(LEGAL)

**Vision Statement  
and Goals**

A board shall adopt a vision statement and comprehensive goals for the district and the superintendent. *Education Code 11.1511(b)(2)*

**Public Education  
Mission, Goals, and  
Objectives**

The mission of the Texas public education system is to ensure that all Texas children have access to a quality education that enables them to achieve their full potential and fully participate now and in the future in the social, economic, and educational opportunities in our state and nation. That mission is grounded on the conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of Texas citizens. It is further grounded on the conviction that a successful public education system is directly related to a strong, dedicated, and supportive family and that parental involvement in the school is essential for the maximum educational achievement of a child.

**Objectives**

The objectives of public education are:

Objective 1: Parents will be full partners with educators in the education of their children.

Objective 2: Students will be encouraged and challenged to meet their full educational potential.

Objective 3: Through enhanced dropout prevention efforts, all students will remain in school until they obtain a diploma.

Objective 4: A well-balanced and appropriate curriculum will be provided to all students. Through that curriculum, students will be prepared to succeed in a variety of postsecondary activities, including employment and enrollment in institutions of higher education.

Objective 5: Educators will prepare students to be thoughtful, active citizens who have an appreciation for the basic values of our state and national heritage and who can understand and productively function in a free enterprise society.

Objective 6: Qualified and highly effective personnel will be recruited, developed, and retained.

Objective 7: Texas students will demonstrate exemplary performance in comparison to national and international standards.

Objective 8: School campuses will maintain a safe and disciplined environment conducive to student learning.

Objective 9: Educators will keep abreast of the development of creative and innovative techniques in instruction and administration using those techniques as appropriate to improve student learning.

EDUCATIONAL PHILOSOPHY

AE  
(LEGAL)

Objective 10: Technology will be implemented and used to increase the effectiveness of student learning, instructional management, staff development, and administration.

Objective 11: The State Board of Education, TEA, and the commissioner shall assist school districts and charter schools in providing career and technology education to students.

Goals

The academic goals of public education are to serve as a foundation for a well-balanced and appropriate education. The students in the public education system will demonstrate exemplary performance in:

Goal 1: The reading and writing of the English language.

Goal 2: The understanding of mathematics.

Goal 3: The understanding of science.

Goal 4: The understanding of social studies.

*Education Code 4.001, .002*

SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

CKE  
(LOCAL)

**District Police  
Department**

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission police officers.

Supervisory  
Authority

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.
8. Carry out all other duties as directed by the chief of police or Superintendent.

District police officers shall not be assigned routine classroom discipline or administrative tasks.

SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

CKE  
(LOCAL)

<i>Temporary Assignment</i>	District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Nonschool Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and Superintendent.
Relationship with Outside Agencies	The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be approved by the Board.
Video Monitoring	If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.
<i>Access to Recordings</i>	Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]
Training	All District officers shall receive at least the minimum amount of education and training required by law.
Department Regulations Manual	To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the Superintendent shall review the manual annually and make any appropriate revisions.
<i>Racial Profiling</i>	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.
<i>Use of Force</i>	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.
<i>High-Speed Pursuit</i>	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by



SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

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the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.

Complaints

Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. [See Complaints Against Peace Officers at CKEA(LEGAL)]

Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.