

Report on School District Mandates: Cost Drivers in Public Education

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TASB

REPORT ON SCHOOL DISTRICT MANDATES: COST DRIVERS IN PUBLIC EDUCATION

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STATE MANDATES ON SCHOOL DISTRICTS

INTRODUCTION

The Texas Legislature often asks school board members and school administrators: “With all the additional state dollars that have been put into the public school system, why are schools requesting additional funds?” Any understanding of the rising costs of public education must include an appraisal of the current requirements that school districts must meet in order to comply with state laws and regulations.

In 2002, the Texas Association of School Administrators (TASA) and the Texas Association of School Boards (TASB) compiled the *Report on School District Mandates*, a comprehensive list of the various state mandates placed on school districts that contribute significantly to the rising costs of public education. TASA and TASB have updated and revised this document to include mandates passed through the 2009 legislative session. This document encompasses the majority of mandates passed since 1995 but does not contain a complete list of all mandates on Texas school districts. This version includes only those Texas laws and regulations that are likely to impose significant implementation costs either collectively or by themselves.

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

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

State mandates on school districts are only one factor leading to the rising cost of education. The impact of inflation, especially on staff salaries, is one of the single largest cost factors in school districts. Other cost drivers include the growing student population, which is estimated at more than 80,000 additional students annually; the growing population of economically disadvantaged students, which currently make up 56 percent of Texas public school students; and the increased costs of utilities, fuel, and insurance. Increased state expectations with the implementation of college readiness standards, end-of-course exams, and the required fourth year of mathematics and science under the Recommended High School Program also serve as major cost drivers.

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

INSTRUCTIONAL PROGRAMS

ACCELERATED READING INSTRUCTION FOR STUDENTS IN KINDERGARTEN THROUGH GRADE 2

School districts are required to provide accelerated (intensive) reading instruction to students in kindergarten through grade 2 who may be at risk for reading difficulties, including dyslexia, based on the results of a reading diagnostic instrument. School districts are required to report in writing to a student's parent the results of the reading diagnostic instrument and whether the student is at risk for dyslexia or a related disorder. School districts also must report the results of the reading instruments to the school board and commissioner of education. Funding for the state grant program used by districts to provide the required intensive instruction was eliminated through Rider 42, 81st Texas Legislature. The Texas Education Agency (TEA) provided a transition year in 2009–10 that allowed eligible districts to apply for a reduced amount of grant funding. No funding was provided for the required accelerated instruction beyond the 2009–10 transition year.

Cost Factors:

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

Citations:

Texas Education Code, §28.006
 Texas Education Agency: *The Commissioner's List of Reading Instruments*
 Texas Education Agency: 2009–10 Student Success Initiative Grant (SSIG) Guidelines and Reporting Requirements

ACCELERATED INSTRUCTION FOR STUDENTS IN GRADES 3–8

Districts must provide accelerated instruction to every student in grades 3–8 who does not pass any required state assessment. Prior to the 2009–10 school year, districts were only required to provide accelerated instruction to students in grades 3, 5, and 8 who failed a required state assessment in math or reading. If the accelerated instruction is provided

in a group setting, there shall be no more than 10 students for each teacher. Districts may provide accelerated instruction before or after normal school hours and/or outside the normal school year.

Funding for the state grant program used by districts to provide the required intensive instruction was eliminated through Rider 42, 81st Texas Legislature. TEA provided a transition year in 2009–10 that allowed eligible districts to apply for a reduced amount of grant funding. No funding was provided for the required accelerated instruction beyond the 2009–10 transition year.

Cost Factors:

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

Citations:

Texas Education Code, §28.0211 and §28.0213
 Texas Education Agency: 2009–10 Student Success Initiative Grant (SSIG) Guidelines and Reporting Requirements

GRADE PLACEMENT FOR STUDENTS IN GRADES 5 AND 8

Beginning in spring 2010 if a student in grades 5 or 8 (previously this applied to students in grade 3 on the state reading test as well) does not meet the passing standard after the second administration of the designated state test for mathematics and/or reading, school districts are required to convene a grade placement committee composed of the student's principal, teacher, and parent or guardian. The committee is charged with developing a plan that addresses the instructional needs of the student and, ultimately, determining whether the student is promoted or retained. The student must complete the prescribed instructional plan before the next school year begins before being promoted. The third opportunity to meet the passing standard on the state reading and/or mathematics tests occurs in July, potentially increasing the cost factors needed to provide the instruction in a diminished time frame before the next school year begins.

If the accelerated instruction is provided in a group setting, there shall be no more than 10 students for each teacher. Districts may provide the accelerated instruction before or after normal school hours and/or outside the normal school year. If a student does not meet the passing standard on the state math and/or reading tests in grades 5 and 8, the student must receive instruction in the next grade level from a teacher who meets all state and federal qualifications to teach that subject and grade.

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

Funding for the state grant program used by districts to provide the required intensive instruction was eliminated through Rider 42, 81st Texas Legislature. TEA provided a transition year in 2009–10 that allowed eligible districts to apply for a reduced amount of grant funding. No funding was provided for the required accelerated instruction beyond the 2009–10 transition year.

Cost Factors:

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

Citations:

Texas Education Code, §28.0211 and §28.0213
Texas Administrative Code, Title 19, Part 2, Chapter 101, Subchapter BB
Texas Education Agency: *The Grade Placement Committee Manual for Grade Advancement Requirements of the Student Success Initiative*

ACCELERATED INSTRUCTION FOR HIGH SCHOOL STUDENTS

School districts are required to provide accelerated instruction to each student who fails any required end-of-course exam.

Cost Factors:

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

Citation:

Texas Education Code, §39.025(b-1)

READING DIAGNOSIS FOR CERTAIN MIDDLE SCHOOL STUDENTS

School districts are required to administer a diagnostic reading instrument to students in grade 7 who did not perform satisfactorily on the grade 6 state reading assessment and to provide accelerated (intensive) instruction to those struggling students.

Cost Factors:

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

Citation:

Texas Education Code, §28.006

DYSLEXIA SERVICES

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

School districts are required to notify parents and obtain parental consent before the evaluation process begins. Districts must also give notice of the Rehabilitation Act of 1973, Section 504, due process rights. In addition, school districts

must provide a parent education program for parents or guardians of students receiving dyslexia or related services.

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

Cost Factors:

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

Citations:

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

IDENTIFYING PRESCHOOL STUDENTS FOR PREKINDERGARTEN PROGRAMS

School districts are required to report annually to TEA the strategies they implemented to increase community awareness of the prekindergarten programs they offer.

Cost Factors:

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

Citation:

Texas Education Code, §29.1534

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

School districts are required to provide compensatory (intensive) instruction for students who are at risk of dropping out of school. The instruction must be designed to enable the student to perform at grade level by the conclusion of the next school year. School districts may contract with a private or public, community-based dropout recovery education program to provide the compensatory education.

Cost Factors:

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

Citations:

Texas Education Code, §28.0213 and §29.081

PERSONAL GRADUATION PLAN

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

Cost Factors:

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

Citations:

Texas Education Code, §§28.0212–.0213

DROPOUT PREVENTION PLAN

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

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code, §29.918

GIFTED AND TALENTED PROGRAM

School districts are required to adopt a process for identifying and serving gifted and talented students and to establish a gifted program at each grade level. The law requires teachers of gifted and talented students to have a minimum of 30 hours of professional development related to gifted education. State law also mandates that teachers, counselors, and administrators receive six hours per year of training related to gifted education. No more than 5 percent of a district's students in average daily attendance (ADA) are eligible for state funding.

Cost Factors:

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

Citations:

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

COORDINATED SCHOOL HEALTH PROGRAM

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

Cost Factors:

- Increasing the workload of existing employees

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

Citations:

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

4 X 4 GRADUATION PLAN

Beginning with students entering grade 9 in the 2007–08 school year, school districts are required to offer four years of English language arts, mathematics, science, and social studies for students seeking to graduate under the Recommended High School Program or the Distinguished Achievement Program. Additional changes to high school graduation programs were made through House Bill 3, 81st Texas Legislature, and, subsequently, through changes to SBOE rules. Districts may incur additional cost factors when complying with the new requirements.

Cost Factors:

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

Citations:

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

RELIGIOUS LITERATURE INSTRUCTION

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

Cost Factors:

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

Citations:

Texas Education Code, §21.459, §28.002, and §28.011
Attorney General Opinion GA-0657 (August 8, 2008)

COLLEGE CREDIT PROGRAM

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

Cost Factors:

- Purchasing supplies, equipment, technology, or programs
- Increasing the workload for existing employees
- Hiring additional employees (*salary and benefits*)
- Executing partnerships or agreements with community colleges

Citation:

Texas Education Code, §28.009

CREDIT BY EXAM

School districts, using guidelines developed by the SBOE, are required to develop or select for review by the SBOE examinations for acceleration. This requirement applies for each primary school grade level and for credit for secondary school academic subjects. School districts must administer each examination not less than once a year at times determined by the SBOE, and school boards may not charge fees for the administration of these exams.

Cost Factors:

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

Citations:

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

STUDENT PHYSICAL FITNESS AND ASSESSMENT

School districts are required to schedule time for students in kindergarten through grade 5 to participate daily in 30 minutes of moderate to vigorous physical activity and for students in grades 6–8 to do the same for a minimum of four semesters. School districts must annually administer the FITNESSGRAM to determine student fitness levels and submit to TEA summarized results aggregated by grade level and any other appropriate category identified by the commissioner. Districts also must send a notice to parents informing them that they can request in writing their child's physical fitness assessment results at the end of the school year.

School districts that enroll students in full-day prekindergarten must provide at least 30 minutes of daily moderate or vigorous activity as part of the district's physical education curriculum.

Cost Factors:

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

Citations:

Texas Education Code, §28.002, §28.004, and §§38.101–.103

FINE ARTS REQUIREMENT

School districts are required to ensure that each student completes at least one fine arts credit in grades 6, 7, and 8.

Cost Factors:

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

Citation:

Texas Education Code, §28.002(c-1)

CLASS SIZE LIMIT

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

Cost Factors:

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

Citations:

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

ASSESSMENT AND ACCOUNTABILITY

TEST ADMINISTRATION AND SECURITY PROCEDURES

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

Cost Factors:

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

Citations:

Texas Education Code, §39.0301
Texas Administrative Code, Title 19, Part 2, Chapter 101, Subchapter CC, §101.3005

END-OF-COURSE EXAMS

School districts are required to offer 12 end-of-course exams. Beginning with students in grade 9 during the 2011–12 school year, school districts are required to allow students who fail to achieve a score of at least 60 on the assessment to retake the test and to allow any student to retake an end-of-course exam for any reason.

A school district is required to offer accelerated instruction to students who fail to achieve a score of 70 on an end-of-course exam or who are at risk of dropping out of school.

A student who fails to achieve the minimum score set by the commissioner of education on an end-of-course test must retake the test. A student who fails to achieve the

college readiness standard on the Algebra II or English III end-of-course exam may retake those tests. Any other student may retake an end-of-course test for any reason.

If a district determines that a student, upon completion of grade 11, is unlikely to achieve the cumulative score requirements required for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course exam has been adopted, if available.

Cost Factors:

- Hiring additional staff (*salary and benefits*) or increasing workload for existing staff
- Purchasing materials, supplies, technology, or programs

Citations:

Texas Education Code, §29.081, §39.023, and §§39.0233–.0234
Texas Administrative Code, Title 19, Part 2, Chapter 101

ADMINISTRATION OF TESTS TO HOME-SCHOOLED STUDENTS

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

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

Cost Factors:

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

Citation:

Texas Education Code, §29.916

PUBLIC DISCUSSION OF CAMPUS RATING

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

Cost Factor:

- Increasing the workload for existing employees

Citation:

Texas Education Code, §11.253(g)

FINANCIAL INTEGRITY RATING SYSTEM OF TEXAS (FIRST)

School districts are required to report certain financial data to TEA, and TEA must assign a financial accountability rating to each district. School districts provide the information to TEA through various financial reports, audit reports, and data reported through the Public Education Information Management System (PEIMS). School districts may be sanctioned if consistently rated “Substandard Achievement.”

Cost Factors:

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

Citations:

Texas Education Code, §§39.201–.204
Texas Administrative Code, Title 19, Part 2, Chapter 109, Subchapter AA

SANCTIONS FOR LOW-PERFORMING CAMPUSES

School districts are required to pay the costs of the sanctions imposed on low-performing campuses by the commissioner of education. The sanctions increase in severity and cost based on sequential years of low performance. Sanctions include, but are not limited to, the following: development of a school improvement plan, appointment of a campus intervention team, contraction of professional services to address performance-related deficiencies, and costs inherent in reconstituting a campus and/or of hiring a conservator or management team appointed to oversee district operations.

Cost Factors:

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

Citations:

Texas Education Code, §§39.051–.052, §§39.056–.058, and §§39.102–.116

HUMAN RESOURCES AND EMPLOYEE RELATIONS

COST OF BENEFITS ASSOCIATED WITH STATE PAY INCREASE

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

Cost Factors:

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

Citations:

Texas Education Code, §§42.2513–.2514 and §42.2516
Texas Government Code, §825.405
General Appropriations Act, Article III, Teacher Retirement System

COST OF SALARY STEP INCREASE

School districts are required to absorb the cost of the additional “step” increase when the Legislature mandates a monthly salary increase for educators. The step increase rewards educators for an additional year of service. While the Legislature typically funds the salary increase, districts receive no additional state funding to cover the cost of the step increase. Districts also receive no additional state funding to provide a salary increase to district personnel other than educators.

Cost Factor:

- Increasing the cost of salaries and benefits to employees eligible for the state minimum salary schedule

Citation:

Texas Education Code, §21.402(c-2)

RETIREMENT BENEFITS CONTRIBUTION ABOVE STATE MINIMUM SALARY SCHEDULE

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

Cost Factors:

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

Citation:

Texas Government Code, §825.405

RETIREMENT BENEFITS CONTRIBUTION DURING FIRST 90 DAYS OF EMPLOYMENT

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

Cost Factor:

- Increasing the cost of benefits

Citation:

Texas Government Code, §825.4041

CONTRIBUTION FOR EMPLOYEE HEALTH INSURANCE BENEFITS

School districts are required to contribute between .25 and .75 percent of active employees' salaries to the TRS-Care plan, as determined by the General Appropriations Act. (The current amount is .55 percent.)

Cost Factor:

- Increasing the cost of benefits

Citations:

Texas Insurance Code, §1575.204
General Appropriations Act, Article III, Teacher Retirement System

CONTINUED GROUP HEALTH BENEFITS AFTER RESIGNATION

School districts are required to offer employees who resign after the last day of the instructional year the option to remain on the district's group health insurance program until the end of the plan year.

Cost Factor:

- Increasing the cost of benefits

Citation:

Texas Education Code, §22.004

LEAVES OF ABSENCE

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

Paid Leave:

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

Unpaid Leave:

- **Temporary Disability Leave**
School districts are required to provide unpaid leave to employees for up to 180 days for a temporary disability. The superintendent determines the length of an employee's leave; the board policy establishes the maximum duration of the leave.
- **Religious Observance Leave**
School districts are required to provide unpaid leave to employees in observance of religious holidays.
- **Long-Term Military Leave**
School districts are required to provide unpaid leave up to five years from the date of induction, enlistment, or call to active military service.

Cost Factors:

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

Citations:

Texas Education Code, §21.406 (Religious Holiday Leave), §21.409 (Temporary Disability Leave), §22.003 (Personal Leave), and §22.006 (Jury Duty Leave)
Texas Labor Code, §52.051 (Subpoenaed Witness Leave)
Texas Government Code, §431.005 (Short-term Military Leave) and §§613.001–.006 (Long-term Military Leave)

ORDER OF PERSONAL AND/OR SICK LEAVE

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

Cost Factors:

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

Citation:

Texas Education Code, §22.003

CRIMINAL BACKGROUND CHECKS

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

Cost Factors:

- Increasing the workload of existing employees
- Requiring employee training

Citations:

Texas Education Code, §§8.057, §12.1059, §21.007, §21.048, §21.060, §§22.081–.085, §§22.0831–.0837, §22.087, and §38.022

Texas Administrative Code, Title 19, Part 2, Chapter 153, Subchapter DD

neck injuries. The training also must include certification of participants by the American Red Cross, the American Heart Association, or the University Interscholastic League (UIL), as determined by the commissioner of education.

Cost Factors:

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

Citations:

Texas Education Code, §§33.201–.211

HIRING INDEPENDENT HEARING EXAMINERS AND COURT REPORTERS

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

Cost Factor:

- Paying required fees

Citations:

Texas Education Code, §21.251 and §21.255

SAFETY TRAINING RELATED TO EXTRACURRICULAR ATHLETIC ACTIVITIES

School districts are required to provide safety training courses for all coaches, trainers, sponsors, and certain physicians who assist with extracurricular athletic activities. Elements of the training include cardiopulmonary resuscitation (CPR), emergency action planning, effective communication with 9-1-1 emergency operators, and recognition of the symptoms of potentially catastrophic injuries, including head and

SAFE SCHOOLS

AUTOMATED EXTERNAL DEFIBRILLATORS

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

Cost Factors:

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

Citations:

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

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS (DAEP)

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

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

Cost Factors:

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

Citations:

Texas Education Code, §37.008 and §§37.020–.021

CRIMINAL STREET GANG DATABASE

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

Cost Factors:

- Increasing workload for existing employees
- Purchasing materials or training

Citations:

Texas Code of Criminal Procedure, 61.02(a), (b), and (b-1), 61.03(a) and (c), 61.04(b) and (d), and 61.12

EMERGENCY OPERATIONS PLAN

School districts are required to adopt and implement a multi-hazard emergency operations plan that addresses mitigation, preparedness, response, and recovery, as defined by the Governor's Office of Homeland Security. Districts must provide training to address emergency situations. Districts also must conduct security audits and school drills for staff and stu-

dents. Both of these must be done in conjunction with local emergency management agencies, law enforcement, and fire departments. The security audit of the district's facilities must be completed at least once every three years, and the district must report the results of the audit to the school board and to the Texas School Safety Center.

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

Cost Factors:

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

Citations:

Texas Education Code, §37.108–.109, §§37.202–.203, §37.207, §37.209, §37.2091, §37.2121, §37.213, §37.216, and §37.2161

SPECIAL EDUCATION

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

IDENTIFYING PRESCHOOL STUDENTS FOR SPECIAL EDUCATION SERVICES

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

Cost Factors:

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

Citation:

Texas Education Code, §29.009

TRANSLATION OF THE INDIVIDUALIZED EDUCATION PROGRAM

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

Cost Factors:

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

Citation:

Texas Education Code, §29.005

TRANSITION PLAN AND SERVICES

When a student receiving special education services turns 16 years old (or younger if the student's admission, review, and dismissal committee deems appropriate), school districts are required to include in the student's IEP a list of the "transition services" required to improve the student's academic and functional achievement in order to facilitate the student's movement from school to postschool activities. This list must be updated annually. "Transition services" means a coordinated set of activities for a student with disabilities that includes instruction, related services, community experiences, development of employment or other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Cost Factors:

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

Citations:

Texas Education Code, §29.011

Texas Administrative Code, Title 19, Part 2, Chapter 89, Subchapter D, §89.63

GOVERNANCE AND GENERAL ADMINISTRATION

SCHOOL DISTRICT ELECTIONS

School districts are required to hold general elections for school district trustees jointly either with a municipality or a county (or counties) located within the district's boundaries. Most districts can continue to hold yearly May school board elections jointly with a municipality. Some districts must now hold joint elections with municipalities in May or November of odd- or even-numbered years. These districts must change to four-year terms for trustees. Others must hold joint elections yearly with a county (or counties) in November of even-numbered years. To hold a joint election, a school district and the other entity must create a joint election agreement that sets out the terms of the joint election.

School districts are required to share polling places to adequately serve the voters for May school district trustee elections held jointly with a municipality (or municipalities). School districts also are required to use all of the county election day polling places to the extent the local governments have overlapping territory for November elections. This requirement extends to all the polling places used by all the counties that are located partially or wholly within the school district.

School districts are required to hold bond elections on either the May or November uniform election dates.

If a school board approves a maintenance and operations (M&O) tax rate above \$1.04, the district must hold an election for voters to approve or reject the higher tax rate.

Cost Factors:

- Increasing the workload of existing employees
- Purchasing additional supplies, equipment, technology, or programs
- Staffing additional polling locations for joint elections
- Paying required fees

Citations:

Texas Education Code, §11.0581 and §45.003
Texas Election Code, §41.001(a)

LOCAL SCHOOL HEALTH ADVISORY COUNCIL

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

Cost Factors:

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

Citation:

Texas Education Code, §28.004

HUMAN SEXUALITY INSTRUCTION

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

Cost Factors:

- Increasing the workload of existing employees

- Purchasing additional supplies, equipment, technology, or programs

Citations:

Texas Education Code, §28.004(i)–(j)

SCHOOL BREAKFAST AND LUNCH PROGRAM

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

School districts do not receive any funding from the state for the breakfast program, and the funding provided by the federal government does not cover all the costs associated with the program. As long as less than 50 percent of the district's students qualify for free or reduced-price breakfasts, the district must bear a significant amount of the program's costs.

Cost Factors:

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

Citations:

Texas Agriculture Code, §12.041
Texas Education Code, §33.901

OPEN RECORDS REQUESTS UNDER THE TEXAS PUBLIC INFORMATION ACT

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

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

In 2009, the Legislature clarified that public information requests from radio stations, newspapers of general circulation published on the Internet, and magazines that are either published at least monthly or which are on the Internet, are exempt from these charges.

Cost Factors:

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

Citations:

Texas Government Code, §552.002, §552.012, §552.021, §552.261, §552.263, and §552.275

INTEGRATED PEST MANAGEMENT PROGRAM

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

of pesticides. IPM coordinators must successfully complete six hours of continuing education every three years.

Cost Factors:

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

Citation:

Texas Occupations Code, §1951.212

INSPECTION OF SCHOOL FOOD ESTABLISHMENTS

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

Cost Factors:

- Paying required fees

Citations:

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

INSPECTION OF PORTABLE OR MODULAR BUILDINGS

School districts are required to have any portable or modular building capable of being relocated that is purchased or leased after January 1, 2010, inspected for use as a school facility. The portable or modular building must be inspected by the local building authority or by a third party inspector, if the local building authority does not perform such inspections, to ensure compliance with mandatory building codes for industrialized buildings. The inspector must have at a minimum a current certification from the International Code Council to perform commercial inspections on portable or modular buildings.

Cost Factor:

- Paying required fees

Citations:

Texas Occupations Code, §§1202.002–.004 and §1202.1535

Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC

SCHOOL BUS EMISSIONS TESTING

School districts are required to have all gas-powered vehicles inspected if the vehicles are between 2 and 25 years old and operate in an ozone nonattainment area as designated by the Environmental Protection Agency. Vehicles must pass an annual emissions test during safety inspection.

Cost Factors:

- Paying required fees
- Increasing the workload of existing employees

Citation:

Texas Health and Safety Code, §382.203

ASBESTOS REMOVAL CERTIFICATION

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

Cost Factors:

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

Citation:

Texas Occupations Code, Chapter 1954

LEAD ABATEMENT CERTIFICATION

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

Cost Factors:

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

Citation:

Texas Occupations Code, §1955.051

NATURAL GAS AND LIQUEFIED PETROLEUM PIPE TESTING

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

Cost Factors:

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

Citations:

Texas Utilities Code, §§121.501–.503
Texas Natural Resources Code, §§113.351–.354

RECYCLED MATERIALS AND SOLID WASTE MANAGEMENT

School districts are required to establish a program for the separation and collection of all recyclable materials generated by the district's operation, including aluminum, steel containers, aseptic packaging, polycoated paperboard cartons, high-grade office paper, and corrugated cardboard. School districts shall provide procedures for collecting and storing recyclable materials, providing containers for recyclable materials, and making contractual or other arrangements with

buyers of recyclable materials. School districts must evaluate the amount of material recycled, modify the program as necessary to ensure that all recyclable materials are effectively and practicably recycled, and establish educational and incentive programs to encourage maximum employee participation. When purchasing, school districts also are required to give preference to recycled products.

Cost Factors:

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

Citations:

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

QUALIFICATIONS FOR CONSTRUCTION CONTRACTORS

In selecting a contractor for construction, school districts are required to select or designate an engineer or architect to prepare construction documents for the project. School districts that choose the design-build method of facilities procurement are required to hire an independent architect or engineer to act as the district's representative for the duration of the construction project.

Cost Factor:

- Outsourcing or contracting for appropriate equipment or services

Citations:

Texas Education Code, §44.036 and §44.039
Texas Occupations Code, Chapters 1001 and 1051

REPORTING REQUIREMENTS

PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS) DATA REPORTING

School districts are required to adopt a uniform accounting system and report specified academic, demographic, and financial data to TEA, including: student demographics and academic performance, personnel data, school district finances, the grade level retention of students, the costs of using school buses for purposes other than transportation of students to and from school, report-only quality learning indicators, and the number of classes and sources of funding for the district's prekindergarten program. There are numerous submission requirements throughout the year. Each additional reporting requirement imposes additional costs to a school district.

Cost Factors:

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

Citations:

Texas Education Code, §29.083, §29.1532, §34.010(b), §39.301, and §42.006(c)(1)

ELECTRONIC STUDENT RECORD SYSTEM

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

Cost Factors:

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

Citation:

Texas Education Code, §7.010(d)

FINANCIAL SOLVENCY REVIEW

School districts are required to submit certain financial data to TEA for a financial solvency review. If this early warning system indicates a projected deficit for a district's general fund within the following three school years, the district must provide to TEA interim financial reports supplemented by staff and student count data, as necessary, to evaluate the district's current budget status. If the financial reports substantiate the projected deficit, the district must develop and submit a financial plan to TEA for approval. TEA may approve the plan only if it determines that the plan will allow the district to avoid the projected insolvency.

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Education Code, §§39.0822–.0823

BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM REPORTS

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

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code, §29.066

COMPENSATORY EDUCATION ALLOTMENT REPORT

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

Cost Factor:

- Increasing the workload of existing employees

Citation:

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

TRUANCY COMPLAINTS

School districts are required to file a complaint in the appropriate court against the parent, student, or both when a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year.

Cost Factors:

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

Citation:

Texas Education Code, §25.0951

PUBLIC NOTICES

ANNUAL PERFORMANCE REPORT, NOTICE, AND HEARING

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

Cost Factors:

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

Citations:

Texas Education Code, §39.053
Texas Administrative Code, Title 19, Part 2, Subchapter BB, §61.1022

NOTICE OF LOW ACCREDITATION STATUS

School districts that receive an accreditation-warned or accreditation-probation status are required to notify parents and property owners of the status. The notice must include the district's accreditation status, the implication of such status, and the steps the district is taking to address the areas of deficiency identified by the commissioner of education. The notice must be posted on the district's Web site, published for three consecutive days in the newspaper with the greatest circulation in the district, and sent via first-class mail, individually addressed, to each parent and property owner in the district. Additionally, the district must send to TEA via certified mail the link to the notice on the district's Web site, the newspaper notice, and the letter, mailing list, and postage receipts.

Cost Factors:

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

Citations:

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

BUDGET AND PROPOSED TAX RATE NOTICE AND HEARING

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

Cost Factors:

- Increasing the workload of existing employees
- Paying required fees

Citations:

Texas Education Code, §44.004
Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter BB, §61.1022

BUDGET SUMMARY REPORT

Concurrently with the publication of notice of the budget, school districts are required to post on the district's Web site or in its central administrative office a summary of the proposed budget. The budget summary must include per-student and aggregate spending on instruction, instructional support, central administration, district operations, debt

service, and any other category of spending designated by the commissioner of education, and a comparison to the previous year's actual spending.

Cost Factor:

- Increasing the workload of existing employees

Citation:

Texas Education Code, §44.0041

ANNUAL FINANCIAL MANAGEMENT REPORT, NOTICE, AND HEARING

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

- the district's financial management performance rating provided by TEA;
- the district's financial management performance under each indicator for the current and previous years' financial accountability rating, including any descriptive information required by the commissioner of education;
- a description of the data submitted to TEA's early warning system
- a copy of the superintendent's contract unless it is posted on the district's Web site;
- a summary of travel and training expenditures paid by the district on behalf of or reimbursed to the superintendent and each board member for the fiscal year;
- the amount of any compensation the superintendent received for consulting or other personal services;
- gifts valued at \$250 or more to the executive officers and board members from outside vendors who have been awarded or have competed for a contract with the district during the prior fiscal year;
- the aggregate amount for the fiscal year of any board member's business transactions with the district; and
- any other information the school board wants to include.

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

distribute to all parents and taxpayers in attendance at the public hearing the annual financial management report.

Cost Factors:

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

Citations:

Texas Education Code, §39.083

Texas Administrative Code, Title 19, Part 2, Chapter 109, Subchapter AA, §109.1005

CONFLICT OF INTEREST DISCLOSURE STATEMENTS

School districts are required to make certain disclosures when the district enters or considers entering into a contract with a vendor. Chapter 176 of the Local Government Code includes significant disclosure requirements that affect school district trustees and superintendents, as well as actual or potential vendors to Texas school districts. The law requires a local government officer (generally a school board trustee or superintendent) to file a conflict of interest disclosure statement with the records administrator of the school district if the officer (or a family member) has certain employment or financial relationships with district vendors. School board policy also may require a conflict of interest disclosure statement to be filed by any school district employee who has authority to approve contracts on behalf of the school district. School districts are required to maintain a list of local government officers and employees to whom this law applies and make that list available to the public. If a school district maintains a Web site, the statements filed by local government officers and conflict of interest documents filed by district vendors must be posted on the district's Web site and maintained according to the school district's local retention schedule. School districts are not required to maintain a Web site. The Public Information Act and its exceptions apply to information filed under this law.

Cost Factors:

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

Citation:

Texas Local Government Code, Chapter 176

PARENTAL/STUDENT NOTIFICATIONS

ANNUAL IMPROVEMENT IN STUDENT ACHIEVEMENT REPORT

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

Cost Factors:

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

Citations:

Texas Education Code, §39.034 and §39.303

TEACHER REPORT CARD

At the beginning of each year, school districts are required to prepare a report that compares the performance of a student with the performance of all students taught by the same teacher in the subject area of a state assessment given in grades 3–8 or an end-of-course exam. The district must provide an individualized version of the report to each student and to the student's teacher.

For a student who failed to perform satisfactorily on a state assessment in grades 3–8 or on an end-of-course exam, the report also must include information relating to access to online educational resources at the appropriate assessment instrument level, including any released exams and answers.

Cost Factors:

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

Citation:

Texas Education Code, §39.304

STUDENT REPORT CARDS AND NOTICE OF UNSATISFACTORY PERFORMANCE

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

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

Cost Factors:

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

Citations:

Texas Education Code, §28.022 and §39.361

CAMPUS/SCHOOL REPORT CARDS

Within six weeks of receiving the school report card from TEA, school districts are required to disseminate specified portions of the report card to the parent or guardian of each student on the campus. The report card may be disseminated in a weekly folder sent home with each student, mailed to the student's residence, provided at a teacher-parent conference, or enclosed with the student report card.

Cost Factors:

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

Citations:

Texas Education Code, §39.305

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

NOTICE OF “TOP 10 PERCENT” AUTOMATIC COLLEGE ADMISSIONS LAW

School boards must require every high school to post appropriate signs in each counselor’s office, principal’s office, and administrative building explaining the “Top 10 Percent” law for automatic college admission. The district also must require that each high school counselor and senior class advisor explain the automatic college admission law to eligible students. At the beginning of the school year, the district must provide each eligible senior written notification of the student’s eligibility for automatic admission.

Cost Factors:

- Increasing the workload for existing employees
- Requiring employee training

Citation:

Texas Education Code, §28.026

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

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

Cost Factors:

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

Citation:

Texas Education Code, §26.013

NOTICE OF INAPPROPRIATELY CERTIFIED OR UNCERTIFIED TEACHER

School districts are required to provide written notice to the parent or guardian of each student in a classroom to which the district has assigned for more than 30 consecutive instructional days during the same school year an uncertified teacher or a teacher teaching on an emergency certificate. School districts must make a good-faith effort to provide the notice in a bilingual form to any parent or guardian whose primary language is not English. Districts also must make information regarding teacher certification available to the public upon request. This notice requirement does not apply if a school is required by the No Child Left Behind Act to provide notice to a parent or guardian regarding a teacher who is not “highly qualified.”

Cost Factors:

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

Citation:

Texas Education Code, §21.057

NOTICE OF CLASS SIZE LIMIT WAIVER

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

Cost Factors:

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

Citation:

Texas Education Code, §25.113

NOTICE OF PUBLIC EDUCATION GRANT (PEG) ELIGIBILITY

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

Cost Factor:

- Increasing the workload of existing employees

Citations:

Texas Education Code, §§29.201–.205

GLOSSARY

ADA: average daily attendance
AED: automated external defibrillator
AP: Advanced Placement
CPR: cardiopulmonary resuscitation
DAEP: Disciplinary Alternative Education Program
FERPA: Family Educational Rights and Privacy Act
FIRST: Financial Integrity Rating System of Texas
IDEA: Individuals with Disabilities Education Act
IEP: Individualized Education Program
IPM: integrated pest management
M&O tax rate: maintenance and operations tax rate
NMSQT: National Merit Scholarship Qualifying Test
PEG: Public Education Grant
PEIMS: Public Education Information Management System
PGP: Personal Graduation Plan
PSAT: Preliminary Scholastic Assessment Test
SBOE: State Board of Education
SHAC: School Health Advisory Council
SSIG: Student Success Initiative Grant
TASA: Texas Association of School Administrators
TASB: Texas Association of School Boards
TEA: Texas Education Agency
TRS: Teacher Retirement System
UIL: University Interscholastic League

NOTES

NOTES

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