

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

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TASA

# REPORT ON SCHOOL DISTRICTS 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 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 2007 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 district.

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 sharp increase in the number of students enrolling in Texas public schools with current growth estimated at more than 80,000 students annually, as well as 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. Intensive instructional support must be administered whether or not a district qualifies for state funding. School districts must also report the results of the reading instruments to the school board and commissioner of education.

#### **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: *The Accelerated Reading Instruction Guide*

### ACCELERATED MATHEMATICS AND READING INSTRUCTION FOR STUDENTS IN GRADES 3–8

School districts are required to provide accelerated (intensive) reading and/or mathematics instruction to students in grades 3–8 who may be at risk for not meeting the passing standard on certain state assessments and to students who fail to perform satisfactorily on these same assessments. The intensive instructional support must be administered whether or not a district qualifies for state funding and in a group size limited to 10 students for each teacher.

If a student does not meet the passing standard after the second administration of the designated state test, 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.

School districts must notify a parent of a 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 are also required to send additional notifications, such as the meeting schedule for the grade placement committee, to parents throughout the school year.

#### **Cost Factors:**

- Increasing the workload of existing employees
- 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*

### READING DIAGNOSIS FOR CERTAIN MIDDLE SCHOOL STUDENTS

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

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

## 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

### **Citation:**

Texas Education Code, §29.081 and §28.0213

## 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*)

### **Citation:**

Texas Education Code, §§28.0212–.0213

## DROPOUT PREVENTION PLAN

School districts and charter schools with a high dropout rate 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 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 the district's compensatory education or high school allotment for this plan unless approved by the commissioner of education.

**Cost Factors:**

- 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 the Texas Education Agency (TEA) criteria or purchase a TEA-approved program if the district does not have the resources to develop its 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, §102.1031

### 4 X 4 GRADUATION PLAN

Beginning with the 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.

**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, §28.002, §28.011, and §21.459  
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 State Board of Education (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

**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. If a district determines that a student, upon completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects 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. School districts are also required to notify the parent of a student's potential if a student performs at a high level on questions aimed at identifying those who are likely to succeed in an advanced high school course. School districts are required to provide the Texas Education Agency with data regarding the ability of the district to administer end-of-course exams by computer.

**Cost Factors:**

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

**Citations:**

Texas Education Code, §29.081, §39.0233, §39.0234, and §39.025  
Texas Administrative Code, Title 19, Part 2, Chapter 101

**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 the Texas Education Agency summarized results aggregated by grade level and any other appropriate category identified by the commissioner. Districts must also 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.

**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

**Citation:**

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

**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 Average Daily Attendance (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

**Citation:**

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

## ASSESSMENT AND ACCOUNTABILITY

### COST OF LOCALLY ADOPTED OR DEVELOPED ASSESSMENTS

School districts use locally adopted or developed assessments for benchmarking and diagnostic purposes. Districts are prohibited from using the same form of a locally adopted assessment for more than three years. As a result, districts must purchase or develop new achievement tests at least every three years.

**Cost Factors:**

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

**Citation:**

Texas Education Code, §39.032(a)

### TEST ADMINISTRATION AND SECURITY PROCEDURES

School districts are required to comply with the security measures specified in the test administration procedures developed by the Texas Education Agency. 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

### 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), 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 districts' 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 the Texas Education Agency, 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 Factors:**

- 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 the Texas Education Agency (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 “Sub-standard 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

### **Citation:**

Texas Education Code, §39.071, §§39.074–.076, §§39.131–.132, §§39.1322–.1324, §39.1327, §39.133, §39.1331, and §§39.134–.136

## **SANCTIONS FOR LOW ACADEMIC RATING AND/OR ACCREDITATION STATUS**

School districts are required to pay the costs of the sanctions imposed by the commissioner of education for low performance on the accountability indicators. 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 Technical Assistance Team or a Campus Improvement Team (CIT), acquisition of professional services to address performance-related deficiencies, special leadership training for the campus principal when a CIT is assigned, and the costs inherent in reconstituting a campus and/or the costs of an outside management team.

### **Cost Factors:**

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

# 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, the Legislature funded an additional amount for increased educator salaries. Although the Legislature provided funds for 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 employer contribution to 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

## RETIREMENT BENEFITS CONTRIBUTION ABOVE STATE MINIMUM SALARY SCHEDULE

School districts are required to pay to the Teacher Retirement System (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 the Teacher Retirement System (TRS) for the first 90 days a new TRS member is employed in the school 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 re-employed after September 1, 2005." The Legislature establishes the contribution rate in the General Appropriations Act.

### **Cost Factors:**

- 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 Teacher Retirement System (TRS)-Care plan, as determined by the General Appropriations Act.

### **Cost Factors:**

- Increasing the cost of benefits

### **Citation:**

Texas Insurance Code, §1575.204

## 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 school district's group health insurance program until the end of the plan year.

### **Cost Factors:**

- 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 school district 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, §22.003 (Personal Leave),

§22.006 (Jury Duty Leave), §21.409 (Temporary Disability Leave), and §21.406 (Religious Holiday 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)

## 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 the Texas Education Agency 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

## HIRING INDEPENDENT HEARING EXAMINERS AND COURT REPORTERS

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

### **Cost Factors:**

- Paying required fees

### **Citation:**

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

### **Cost Factors:**

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

### **Citation:**

Texas Education Code, §§33.201–.211

# SAFE SCHOOLS

## AUTOMATED EXTERNAL DEFIBRILLATORS

School districts are required to make available at every campus at least one Automated External Defibrillator (AED). A campus AED must be readily available during any University Interscholastic League (UIL) athletic competition held on 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 are also required to make available annually to district employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation (CPR) and the use of an AED. School districts must also 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

### **Citation:**

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 Texas Education Agency (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 a 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

### **Citation:**

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

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

### **Cost Factors:**

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

### **Citation:**

Texas Education Code, §37.108

# 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 (IEP)

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 (ARD) committee deems appropriate), school districts are required to include in the student's Individual Education Program (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 post school 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 post school 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 are also 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

## 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, the Texas Education Agency, 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 fed-

eral 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.

**Cost Factors:**

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

**Citation:**

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 September 1, 2007, inspected for use as a school facility. The portable or modular building must be inspected by the local building authority to ensure compliance with the mandatory building codes for industrialized buildings. If the local building authority does not perform inspections, then the school district is required to hire an independent third-party inspector. The inspector must have at a minimum a current certification from the International Code Council (ICC) to perform commercial inspections on portable or modular buildings.

**Cost Factors:**

- Paying required fees

**Citations:**

Texas Education Code, §46.008  
Texas Occupations Code, Title 7, Subtitle C, Chapter 1202, Subchapter E  
Texas Administrative Code, Title 19, Part 2, Chapter 61, Subchapter CC

**BUS EVACUATION TRAINING**

School districts are required to conduct emergency bus evacuation training twice a year (once in the fall and once in the spring) for students and teachers. Within 30 days of completing the training, a school district must certify the completion to the Texas Department of Public Safety.

**Cost Factors:**

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

**Citation:**

Texas Education Code, §34.0021

**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 non-attainment 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, Title 12, Subtitle B, 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, Title 12, Subtitle B, Chapter 1955, §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 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–.353

## 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, containers for recyclable materials, and procedures for 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 are also 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

**Citation:**

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 Factors:**

- 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 the Texas Education Agency, including: student demographics and academic performance, personnel data, school district finances, grade level retention of students, costs of using school buses for purposes other than transportation of students to and from school, 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

**Citation:**

Texas Education Code, §29.083, §29.1532, §34.010(b), 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, transcripts, 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)

## BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS REPORTS

Districts required to offer bilingual education or special language programs must report additional information to the Texas Education Agency (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 Factors:**

- Increasing the workload of existing employees

**Citation:**

Texas Education Code, §29.066

## COMPENSATORY EDUCATION ALLOTMENT REPORT

The Texas Education Agency (TEA) rules require each school district and charter school to report annually to TEA through the Public Education Information Management System (PEIMS) financial information relating to expenditures of the state compensatory education allotment.

**Cost Factors:**

- 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

### NOTICE OF CAMPUS RATING

School districts are required to publish the campus rating and an explanation of the rating in the first student report card each year. By the 10th day of the school year, the district must post on its Web site the most current accountability ratings, Academic Excellence Indicator System (AEIS) reports for the district and its campuses, and the school report cards.

**Cost Factors:**

- Increasing the workload of existing employees

**Citation:**

Texas Education Code, §§39.251–.252

### 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 the Texas Education Agency 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 the Texas Education Agency 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, §39.071(d)

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, a school district must also 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 Factors:**

- 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 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 owners of real property 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 are also 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, §39.203  
Texas Administrative Code, Title 19, Part 2, Chapter 109, Subchapter AA, §109.1005

**CONFLICT OF INTEREST DISCLOSURE STATEMENTS**

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. These disclosures are required when the school district enters or considers entering into a contract with a vendor. 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 may also 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, Title 5, Subtitle C,  
Chapter 176

## PARENTAL/STUDENT NOTIFICATIONS

### ANNUAL IMPROVEMENT IN STUDENT ACHIEVEMENT REPORT

Districts are required to provide written notice to parents of information provided by the Texas Education Agency 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 exit-level assessment instrument required for graduation, and (4) 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

**Citation:**

Texas Education Code, §39.034

### 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.

**Cost Factors:**

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

**Citation:**

Texas Education Code, §28.022

### CAMPUS/SCHOOL REPORT CARDS

Within six weeks of receiving the school report card from the Texas Education Agency, 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, §39.052

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 must also 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 must also 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, a school district must 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, the Texas Education Agency 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 must notify each parent of a student attending a campus on the PEG list.

**Cost Factors:**

- Increasing the workload of existing employees

**Citation:**

Texas Education Code, §§29.201–.205

## NOTES

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