



**Financial Mandates on School Districts
Update 1
September 2011**

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Financial Mandates on School Districts

Introduction

An objective of the TASBO report on Financial Mandates on School Districts is to provide insights into financial management-related mandates in the Texas public school system. The financial management arena in school systems has morphed dramatically during the tenure of school officials employed during the last ten to twenty years. Just open an annual audit report issued today by a Texas school district and do a side-by-side comparison with an annual audit report issued just ten years ago and view the differences in financial statement formats that are readily obvious even to a layperson with no accounting background. The extensive changes in financial mandates in general have resulted in increased costs in terms of total dollars expended; however, when expressed as a percentage of overall operating costs, administrative costs have declined slightly in recent years.

The continual changes occurring in all areas of the public school sector causes immediate or eventual increased costs for financial management. The financial data reported to the Texas Education Agency explains that the primary costs associated with financial mandates are payroll related, including higher salaries for qualified staff and the necessity for more staff. The need for more staff also causes cost increases in other areas of the operational budget, including travel, staff development, supplies and materials, equipment, computers and peripherals, and software licenses. Other costs associated with increased financial and business mandates include the need for more outside specialists and consultants.

The continual changes occurring in all areas of the public school system may be best explained by scanning today's Texas School Law Bulletin and Texas Administrative Code for public education side-by-side with how these documents existed just ten years ago. A simple perspective of the enormous impact of the continual layering on of new provisions in state law and policy may be achieved if one simply counts the number of pages added over ten years to the Texas Education Code and count the number of pages contained in releases of new and amended Texas Administrative Code provisions for the K-12 school system. Add to this context, the many new requirements in the domain of generally accepted accounting principles reflected in Governmental Accounting Standards Board Statements 34 through the 60 series issued in the past decade. A quick scan of the thousands of pages in these documents provides a high-level perspective on how mandates directly and indirectly affect the overall roles and responsibilities of public school officials involved in the financial management of the Texas public school

system. A quick read of these documents does not begin to adequately explain the effect of mandates in the perspective of subject matter experts in various areas including school finance, which is frequently described as an area that is only adequately understood with the assistance of outside consultants.

The learning curve for new hires is significantly steeper today compared to ten years ago and the consequences for not providing adequate training have never been higher. If school districts stopped performing many administrative-related tasks, this could lead to the painful and often expensive kinds of consequences that we occasionally read about in daily newspapers. When public schools adhere to the ever-increasing complexities of compliance-related requirements in state and federal law, rules and regulations, public schools avoid the costs related to significant issues involving compliance and the associated financial penalties, and refunds of monies.

Furthermore, the fastest growing state public school system in the nation requires more individuals working in nearly every functional job description area to keep pace with the surging enrollment growth. It is critical that the best-qualified and trained individuals (within funding and budgetary constraints) be employed to ensure that the ever-increasing complexities of all areas of business and operational management are accomplished according to the highest standards for efficiencies and effectiveness.

In recent years there has been a growing awareness of the strains that expanding mandates have placed upon available current budgetary resources. TASBO hopes to increase all stakeholders' awareness with the release of this report on Financial Mandates in School Districts. TASBO also provides a comprehensive set of resources to its members in all areas of school business and operations relating to the ever-changing landscape of financial mandates and requirements.

The list of financial mandates listed in this document is intended to disclose the majority of mandates and, accordingly, is not all-inclusive. The list will be updated as additional mandates are identified and for changes to mandates resulting from actions by the Texas Legislature or various state and federal agencies.

If you have any questions about this report, please feel free to contact Tom Canby, Director of Research and Technology, at 512 462-1711, extension 235.

Annual Financial and Compliance Audit	School districts are required to contract with a licensed certified public accountant or licensed CPA firm for an audit of financial statements and compliance. All schools district must contract for an audit, in accordance with generally accepted governmental auditing standards, and the Yellow Book. In addition to these standards, school districts are to also contract for an audit in accordance with OMB Circular A-133, Single Audit Act, in those instances that expenditures from federal funds are \$500,000 or more.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • TEC Section 44.008
Annual Financial and Compliance Audit – Audit of PEIMS Actual Financial Record Type	School districts are to contract for additional audit procedures in the course of the Annual Financial and Compliance Audit that target the accuracy of the electronic data submitted through PEIMS in the PEIMS Actual Financial Record Type. The electronic information submitted through PEIMS should agree with the financial data reported in the Statement of Revenues, Expenditures and Changes in Fund Balance Government Fund Types in the Annual Financial and Compliance Report.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • TEC Section 44.008(b)
Annual Financial and Compliance Report – Filing with Agencies Other Than TEA	School districts that expended \$500,000 or more from federal awards are require to submit a copy of the Annual Financial and Compliance Report to the Single Audit Clearinghouse in addition to filing a completed and signed Form SF – SAC – Data Collection Form for Reporting on Audits of States, Local Government and Non-Profit Organizations. Also, if a school district has outstanding bond issues, there are additional filing requirements.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • OMB Circular A-133, Single Audit Act
Annual Financial and Compliance Report – Publication Audited Financial Information in the Newspaper	School districts are to publish audited financial information in a local newspaper after the completion of the independent audit of the school district’s financial statements and compliance. School districts are to publish Exhibit C-2, Statement of Revenues, Expenditures and Changes in Fund Balance, Governmental Funds.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • TEC Section 44.008 • Local Government Code Section 140.006

Bonds – Payment and Performance	School districts are to obtain payment and performance bond to cover construction-type work (also referred to as public works) that exceeds \$25,000 and \$100,000, respectively. The payment bond, in the amount of the contract(s), is for the protection and payment of subcontractors that supply labor or material for the public works project. The performance bond, in the amount of the contract(s), is for the protection of the school district to ensure faithful performance of the contracted work according to plans, specifications, and contract documents. The payment and performance bonds are to be obtained from the prime contractor(s) before beginning work. The school district may be liable for payment of subcontractors in the event that payment bonds are not provided by the prime contractor(s) for the public works project.	Citations: <ul style="list-style-type: none"> • Government Code Chapter 2253 • Financial Accountability System Resource Guide
Budget – Adopted Budget – Internet Posting	School districts are to post the legally adopted budget on the school district’s local internet site. The budget document is to remain on the Internet site until the third anniversary of the date the budget was adopted.	Citations: <ul style="list-style-type: none"> • TEC Section 39.084
Budget - Adoption	The superintendent and/or their designee are/is to prepare a proposed legal budget for all estimated revenues and proposed expenditures for adoption by the board of trustees. The legal budget is to be prepared at a minimum for the General Fund and also, as applicable, the Child Nutrition Program Fund and the Debt Service Fund in accordance with the Financial Accountability System Resource Guide . The legal budget is to be adopted by the board of trustees at the Fund Code and Function Code level. The legal budget must be adopted by the board of trustees prior to the start of the fiscal year.	Citations: <ul style="list-style-type: none"> • TEC, Section 44.002, 44.004, and 44.006 • Financial Accountability System Resource Guide
Budget - Amendment	The legally adopted budget is to be amended by the board of trustees prior to incurring an expenditure that would cause year-to-date actual expenditures at the Fund Code and Function Code level to exceed amounts authorized in the adopted budget for the current fiscal year or the amended adopted budget.	Citations: <ul style="list-style-type: none"> • TEC, Section 44.006 • Financial Accountability System Resource Guide

<p>Budget – Amendment - State and Federal Grants</p>	<p>Budget amendments for state and federal grants are to be requested for a change exceeding the threshold percentage limit (10% or 25% is the threshold limit for most grants based upon the current entitlement and excluding any carry forward amount) for allowed local budget amendment categories. Certain budget categories such as, capital outlay and construction-related activities, require submission of a request for budget amendment with the applicable grantor agency because prior approval from the applicable grantor agency must be obtained before grant funds may be obligated through a purchase order, contract or other action, in accordance with the federal regulations for period of availability. For example, a purchase order may not predate the receipt of notice of grant award (NOGA) for budgetary categories requiring prior approval from the applicable grantor agency.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Title 34, CFR 80.20(b)(4) • Financial Accountability System Resource Guide
<p>Budget – Carry Forward - State and Federal Grants</p>	<p>The unexpended balance at the end of the project period may be carried forward, if allowed per the grant terms and conditions, subject to percentage threshold for certain grants. Unexpended balances at the end of the project period (or earlier in some instances) are subject to redistribution by the grantor agency, or return to the applicable state or federal grantor agency.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Title 34, CFR Part 80 • Financial Accountability System Resource Guide
<p>Budget - PEIMS Reports</p>	<p>The amended budget as of the last Friday in October is to be submitted through PEIMS to the Texas Education Agency. The amended budget submitted to TEA is for the General Fund and also, as applicable, the Child Nutrition Program Fund and the Debt Service Fund. The level of detail for submitting budget data is based upon the mandatory chart of accounts in the Financial Accountability System Resource Guide as follows:</p> <ul style="list-style-type: none"> • District ID • Fund Codes for <ul style="list-style-type: none"> ○ General Fund ○ Child Nutrition Program Fund 	<p>Citations:</p> <ul style="list-style-type: none"> • TEC, Section 44.003, 44.005 • Financial Accountability System Resource Guide • PEIMS Data Standards

	<ul style="list-style-type: none"> ○ Debt Service Fund ○ Enterprise Fund ● Function Codes ● Object Codes for <ul style="list-style-type: none"> ○ 5XXX (Revenues), ○ 6X00 (Expenditures / Expenses), ○ 7XXX (Other Resources / Non-operating revenues) and ○ 8XXX (Other Uses Non-operating Expenses) ● Organization Codes ● Fiscal Year ● Program Intent Codes ● Budget Amount 	
Budget – Publication Notice for Hearing for Adoption	A notice for the budget and proposed tax rate meeting is to be published in a newspaper after the proposed legal budget for the new fiscal year has been prepared. The proposed legal budget is to be prepared at a minimum for the General Fund and also, as applicable, the Child Nutrition Program Fund and the Debt Service Fund in accordance with the Financial Accountability System Resource Guide . The local newspaper selected for publication of the notice is to meet the standards in Education Code Section 44.004. The wording of the notice, size of font, and size of the notice must meet the provisions in Section 44.004.	Citations: <ul style="list-style-type: none"> ● TEC, Section 44.004 ● Financial Accountability System Resource Guide
Budget – State and Federal Grants	Budgets are to be recorded in the school district’s accounting system for all local, state and federal grants according to budgetary requests submitted in grant applications to grantor agencies. Preliminary budgets recorded in the accounting system are to be updated according to final budgetary amounts in the Notice of Grant Award for each grant.	Citations: <ul style="list-style-type: none"> ● Title 34, CFR 80.20(b)(4) ● Financial Accountability System Resource Guide
Budget –Posting	The proposed budget is to be posted on the district’s web site concurrently	Citations:

Proposed Budget on District's Web Site	with the newspaper publication of the notice for the budget and tax rate hearing required under Section 44.004. This notice is to include a comparison to the previous fiscal year's actual expenditures and is to be formatted in accordance with the requirements in Texas Education Code Section 44.0041.	<ul style="list-style-type: none"> • TEC, Section 44.0041 • Financial Accountability System Resource Guide
Construction Contracts - Retainage	School districts are to pay interest on retainage on construction contracts that exceeds 5%. Retainage is not to exceed 10% of the amount of the contract.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • Government Code Chapter 2252 and 2253
Depository Bank	School districts are required to enter into a depository contract with an eligible bank for the deposit of public funds. A depository bank is to be selected under a competitive proposal or bid process on odd numbered years unless the current depository contract is eligible to be extended for another two-year term (two additional two-year terms are allowed after the end of the initial two-year contract term). State law contains provisions for eligible collateral for funds on deposit in the depository bank.	Citations: <ul style="list-style-type: none"> • TEC Chapter 45, Subchapter G • Government. Chapter 2257 Subchapter A
District and Campus Improvement Plans - Strategies Funded from Local, State and Federal Grants, and State Compensatory Education	<p>School districts are to include information in district and campus improvement plans concerning the delivery of services and programs funded from the FSP State Compensatory Education allotment in addition to local, state and federal grants. Additional information contained in district and campus improvement plans include:</p> <ul style="list-style-type: none"> • "Comprehensive needs assessment conducted for the purpose of identifying strengths and weaknesses of existing programs, practices, procedures, and activities, to ensure the use of resources are for well-planned, supplemental and for cost effective purposes; • Total amount of supplemental staff and financial resources funded 	Citations: <ul style="list-style-type: none"> • TEC Section 29.081 • TEC Section 42.152 • TEC Section 11.251-11.253 • Financial Accountability System Resource Guide

<p>Allotment</p>	<p>from the State Compensatory Education allotment (limited exceptions for showing supplemental staff FTEs apply to Title I schoolwide campuses when funds are consolidated from local, state and federal revenue sources);</p> <ul style="list-style-type: none"> • Strategies for the delivery of programs and services. Funding sources are to be shown per strategy (descriptive references to sources are to be shown), explaining how the strategies are funded by various combinations of local, state and federal grant sources, in addition to the State Compensatory Education allotment; • Measureable performance objectives; • Timelines for monitoring the implementation of strategies and accomplishment of goals; and • Formative and summative evaluation criteria.” <p>A basic requirement for the State Compensatory Education allotment and state and federal grants is that funded strategies are for activities that are supplemental to expenditures funded by the General Fund. The multitude of state and federal grant fund activities add significant complexity in reference to managing compliance with the terms and conditions of each grant.</p>	
<p>Employee Leave – Sick/Personal Leave Program</p>	<p>School districts are required to provide certain types of employee leave including:</p> <ul style="list-style-type: none"> • Sick/Personal • Jury Duty • Assault • Subpoenaed Witness • Short-term military • Temporary Disability • Religious Observance 	<p>Citations</p> <ul style="list-style-type: none"> • TEC Section 22.003 • TEC Section 22.006 • TEC Section 21.406 • TEC Section 21.409 • Texas Labor Code Section 52.051 • Texas Government Code 431.005 and 613.001-

	<ul style="list-style-type: none"> • Long-term military <p>The temporary disability, religious observance and long-term military leave are unpaid leave.</p>	613.006
Expenditures - Authorized	School districts are only authorized to expend public funds for education-related purposes, in accordance with Texas Education Code Section 45.105 and other applicable provisions in state and federal law, rule and regulations	Citations: <ul style="list-style-type: none"> • TEC Section 45.105 • Financial Accountability System Resource Guide
Expenditures - High School Allotment	<p>School districts are allowed to expend the High School Allotment in grades 6-12, according to the TEA publication High School Allotment Laws, Regulations and Guidance, for certain allowable purposes including:</p> <ul style="list-style-type: none"> • “Implement college readiness programs to prepare underachieving students for college • Implement programs that encourage students toward advanced academic opportunities, such as dual credit and AP • Implement programs that give students opportunities to take academically rigorous course work, including four years of math and science • Implement programs that align the curriculum for grades 6 through 12 with postsecondary curriculum • Implement other high school completion and success initiatives in grades 6 through 12 as approved by the commissioner” 	Citations: <ul style="list-style-type: none"> • TEC Section 39.234 • TEC Section 42.160 • Title 19 Texas Administrative Code Chapter 61, Subchapter II • High School Allotment Laws, Regulations and Guidance
Financial Accountability	School districts and open-enrollment charter schools are to meet the performance criteria for indicators in the School FIRST financial	Citations: <ul style="list-style-type: none"> • Title 19, Texas

<p>System Rating System - School FIRST</p>	<p>accountability system. The indicators have minimum performance standards for financial-related criteria associated with assets, liabilities, revenues and expenditures.</p>	<p>Administrative Code, Chapter 109, Subchapter AA</p> <ul style="list-style-type: none"> • Financial Accountability System Resource Guide
<p>Financial Accounting - Standards - Generally Accepted Accounting Principles</p>	<p>State law requires school districts to follow generally accepted accounting principles in reporting information to the Texas Education Agency in PEIMS and in annual audit reports. Conformance with GAAP is essential to ensure comparable financial data is reported by separate school districts.</p> <p>The Governmental Accounting Standards Board (GASB) is an entity at the national level that establishes GAAP (generally accepted accounting principles) for governmental organizations. Since 2000, the GASB has issued Statements 34 through 60 series applicable to financial periods beginning with fiscal year 2002 and later, as stated in each statement.</p> <p>The Financial Accounting Standards Board (FASB) is another entity at the national level that establishes GAAP. Although FASB is primarily responsible for establishing GAAP for nongovernmental entities, the standards issued by FASB also have application to governmental entities in various areas.</p> <p>Each new statement is required to be implemented, as applicable, in accordance with implementation guidelines in the Financial Accounting System Resource Guide. The issuance of new standards and amendment of existing standards by the GASB and FASB (Financial Accounting Standards Board) result in various types of costs including: updating business</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC, Section 44.007 • Governmental Accounting Standards Board Statements • Financial Accountability System Resource Guide

	procedure manuals, changes to finance system software, training, and audit fees charged by independent auditors. Additionally, certain Statements issued by GASB and FASB contain provisions that require the use of outside consultants possessing subject matter expertise.	
Financial Accounting System - Local, State and Federal Grant	Separate financial accountability must be maintained for each grant. Separate accountability for all local, state and federal grants is established through use of the mandatory chart of accounts established by the Texas Education Agency Financial Accountability System Resource Guide , supplemented by use of locally defined account code fields, as needed. Financial transactions are to be recorded in the school district's accounting system according to any unique specific requirements contained in the grant terms and conditions.	Citations: <ul style="list-style-type: none"> • Title 34, CFR 80.20(a) • Financial Accountability System Resource Guide
Financial Accounting System - Chart of Accounts	Financial transactions are to be recorded in accordance with the mandatory chart of accounts established by the Texas Education Agency Financial Accountability System Resource Guide . School districts are to use locally defined fields in the chart of accounts to maintain the minimum level of accountability required for compliance purposes in those instances that the mandatory chart of accounts in the Resource Guide does not provide the required minimum level of financial accountability.	Citations: <ul style="list-style-type: none"> • TEC, Section 44.007 • Financial Accountability System Resource Guide
Financial Accounting System - Encumbrance Accounting	School districts are to use budgetary controls and use encumbrance accounting to monitor the commitment of budgeted amounts. An encumbrance transaction is recorded in the financial accounting system when a purchase order is issued and/or when a written binding legal agreement or contract is executed, in accordance with the requirements in the Financial Accountability System Resource Guide .	Citations: <ul style="list-style-type: none"> • Title 34, CFR 80.20(b)(4) • Financial Accountability System Resource Guide
Financial Accounting System - Federal Grants - Cash	School districts are to comply with federal regulations for cash management in connection with reimbursements for transactions involving grants. Grantees and subgrantees are required to avoid accumulating excess cash amounts from drawdowns of grants funds.	Citations: <ul style="list-style-type: none"> • Title 34 CFR Section 80.20

Management	Drawdowns from the TEA are permitted no earlier than six days prior the distribution of checks to vendors or payroll to employees.	
Financial Accounting System – Federal Grants – Period of Availability of Funds	<p>School districts are to follow the rules for period of availability of federal grant funds when initiating transactions or executing binding legal agreements or contracts that will obligate federal grants. For example, school districts are not allowed to obligate federal grants by issuing a purchase order prior to a project period beginning date (with limited exceptions, including approved pre-award costs). The regulations for when federal funds may be obligated vary for different types of transactions. Also, certain types of obligations of federal funds require prior written approval from federal grantor agencies, including the procurement of equipment or capital items. Certain grants may have additional unique terms and conditions relating to the obligation of the federal grant.</p> <p>The general rules for obligation of federal funds are shown below:</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Title 34 CFR Section 80.23 • Title 34 CFR Section 76.707

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Financial Accounting System - Fiscal Year	The school district fiscal year is to begin on September 1. A school district may change to a fiscal year that begins on July 1 upon filing the intent to change fiscal year form with the Texas Education Agency Division of Financial Audits.	Citations: <ul style="list-style-type: none"> • TEC, Section 44.0011 • Financial Accountability System Resource Guide 																		
Financial Accounting System - Fund Balance – General Fund	School districts should maintain an adequate unassigned fund balance in the General Fund. The optional Fund Balance and Cash Flow Worksheet schedule in the annual audit report provides a methodology for calculating an estimated optimum fund balance amount.	Citations: <ul style="list-style-type: none"> • Title 19, Texas Administrative Code, Chapter 109, Subchapter AA • Financial Accountability System Resource Guide 																		

<p>Financial Accounting System - General</p>	<p>The Texas Education Agency Division of Financial Audits is responsible for issuing standards for the financial accounting system for purposes relating to budgeting, accounting, reporting, management, auditing and other financial management-related topics. The standards are published in the Financial Accountability System Resource Guide that is prescribed by the Commissioner of Education and adopted by reference by the State Board of Education. All school districts, open enrollment charter schools and regional education service centers must follow all applicable provisions in the Resource Guide. Additionally, school districts and charter schools are to follow the provisions in the Resource Guide to maintain their accreditation status.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC, Section 44.007 • Financial Accountability System Resource Guide
<p>Financial Accounting System - PEIMS Reports - Actual Financial</p>	<p>The actual financial data for the fiscal year is to be submitted through Public Education Information Management System (PEIMS) to the Texas Education Agency. The level of detail for submitting actual financial data is based upon the mandatory chart of accounts in the Financial Accountability System Resource Guide as follows:</p> <ul style="list-style-type: none"> • District ID • Fund Codes for <ul style="list-style-type: none"> ○ General Fund ○ Special Revenue Fund ○ Debt Service Fund ○ Capital Projects Fund ○ Enterprise Fund • Function Codes • Object Codes for <ul style="list-style-type: none"> ○ 3XXX (Fund Equity / Fund Net Assets), ○ 5XXX (Revenues), ○ 6XXX (Expenditures / Expenses), 	<p>Citations:</p> <ul style="list-style-type: none"> • PEIMS Data Standards • Financial Accountability System Resource Guide

	<ul style="list-style-type: none"> ○ 7XXX (Other Resources / Non-operating revenues) and ○ 8XXX (Other Uses Non-operating Expenses) ● Organization Codes ● Fiscal Year ● Program Intent Codes ● Actual Amount 	
Financial Accounting System - Reporting - GASB Data Feed	<p>Electronic data from certain financial statement schedules in the annual audit report are required to be reported to the TEA through the GASB Data Feed system. Financial data organized by data control codes are reported for certain audit report schedules as follows:</p> <ul style="list-style-type: none"> ● Schedule A1, Statement of Net Assets ● Schedule B1, Statement of Activities ● Schedule C1, Balance Sheet ● Schedule C1R, Reconciliation of the Governmental Funds Balance Sheet with the Government-Wide Statement of Net Assets ● Schedule C2, Statement of Revenues, Expenditures, and Changes in Fund Balances ● Schedule J1, Schedule of Delinquent Taxes Receivable ● Schedule J2, Schedule of Expenditures for Computation of Indirect Cost ● Schedule J3, Fund Balance and Cash Flow Calculation Worksheet ● Schedule K1, Schedule of Expenditure of Federal Awards ● Schedule L1, Required Responses to Selected School First Indicators 	<p>Citations:</p> <ul style="list-style-type: none"> ● Financial Accountability System Resource Guide
Financial Accounting System - Retention of	<p>School districts are to maintain a record retention system to retain financial records in accordance with the requirements of the Texas State Library and Archive Commission. Certain records are required to be retained for perpetuity and other records are to be retained for periods up</p>	<p>Citations:</p> <ul style="list-style-type: none"> ● Texas Library and Archive Commission Schedules GR and SD

Records	to five years. The record retention system requires continuous organizational activities to ensure all physical and electronic records are maintained according to the minimum retention periods. Confidential records are to be managed to ensure access is limited to school district officials that require access for business purposes. The Texas State Library and Archive Commission is to be contacted before controlled physical records are to be destroyed after conversion to electronic format and for all controlled physical and electronic records upon the expiration of the minimum retention period.	<ul style="list-style-type: none"> Local Government Code Section 202.001
Financial Exigency	The board of trustees of a school district is allowed to declare a financial exigency, if certain criteria in Commissioner Rules are met. The declaration of financial exigency automatically expires at the end of the fiscal year unless extended by the board of trustees. School districts are to report each declaration of financial exigency to the Texas Education Agency.	Citations: <ul style="list-style-type: none"> TEC Section 44.011
Gift of Public Funds - Prohibited	School districts may not make gifts of public funds.	Citations: <ul style="list-style-type: none"> Texas Constitution Article III, Section 53
Grants – Federal - Allowable Cost Principles	School districts are allowed to charge eligible costs to federal grants in accordance with Office and Budget Circular A-87, Allowable Cost Principles. The fact that a cost is listed as allowable in the Circular does not automatically mean that it is allowable for a particular grant. An allowable cost must also agree with the programs, activities and services described in the approved grant application, support needs identified in the comprehensive needs assessment, fit the period of availability provisions and meet other applicable requirements.	Citations: <ul style="list-style-type: none"> OMB Circular A-87 Financial Accountability System Resource Guide
Grants - Federal - Comparability	A basic requirement of the federal Elementary and Secondary Education Act (NCLB) is that a school district may receive Title I, Part A funds only if it uses State and local funds to provide services in Title I campuses that, taken as a whole, are at least comparable to the services provided in campuses that are not receiving Title I funds. If the LEA serves all of its	Citations: <ul style="list-style-type: none"> Financial Accountability System Resource Guide 34 CFR 200.79

	<p>schools with Title I funds, the LEA must use State and local funds to provide services that, taken as a whole, are substantially comparable in each Title I school.</p> <p>In September 2010, the U.S. Department of Education directed the Texas Education Agency to expand the scope of monitoring activities related to these provisions to include school districts with less than 1,000 enrollment and certain school districts that have single attendance zones for one or more grade levels.</p> <p>School districts participating in Title I, Part A are required to submit comparability data to the Texas Education Agency annually by conducting comparability testing on an electronic form, titled the Title I TEA – I, Part A Comparability Computation Form (CCF). The comparability data reported to TEA is to show the use of one of six comparability measures for all campuses to show relative equal provision of local and state funded resources on each campus at the elementary, middle and high school grade levels.</p>	
Grants – Federal - Conflict of Interest	School districts are not to allow any official or employee to derive a financial benefit, real or apparent, related to any federal program that is administered by the official or employee. School districts are to establish a code of ethics to ensure compliance with this federal regulation.	Citations: <ul style="list-style-type: none"> Title 34 CFR 80.36
Grants - Federal – Construction Type Activities – Buy American Act	The Buy American Act applies to federal grants and requires construction- or infrastructure-related procurements to be structured to facilitate the award of contracts to vendors headquartered in the United States for purchases of iron, steel and manufactured goods.	Citations: <ul style="list-style-type: none"> Public Law 107-110, Section 9521
Grants – Federal	The prevailing wage rate for the geographic locale applies to construction-	Citations:

<p>- Construction Type Activities - Davis Bacon Act</p>	<p>related activities for a building/facility project that is charged in whole or in part to a federal grant. The prevailing wage rate also applies to construction-related activities for the life of the building/facility.</p>	<ul style="list-style-type: none"> • Title 34 CFR 80.36
<p>Grants – Federal – Debarred Vendors</p>	<p>School districts are not to disburse any federal funds (for any dollar amount) to a debarred vendor (a vendor on the Excluded Parties List System). A vendor to be paid from federal revenue sources is to be screened prior to award of a contract and prior to making all disbursements of federal funds to ensure the vendor is not debarred.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Title 34 CFR 80.35 • https://www.epls.gov/
<p>Grants - Federal - Maintenance of Effort – Elementary and Secondary Education Act</p>	<p>Requirements in federal regulations, related to the Elementary and Secondary Education Act (ESEA), require school districts to expend an amount in the prior fiscal year that is 90% or more of the expenditures for second preceding fiscal year. Expenditures for selected expenditure code object series (61XX, 62Xx, 63XX and 64XX) and selected function codes for the General Fund are included in the determination of compliance with ESEA maintenance of effort.</p> <ul style="list-style-type: none"> • ESEA, Part A of title I; • ESEA, Subpart 3 of part B of title I; • ESEA, Part C of title I; • ESEA, Part D of title I; • ESEA, Part F of title I; • ESEA, Part A of title II; • ESEA, Part D of title II; • ESEA, Part A of title III; • ESEA, Part A of title IV; • ESEA, Part B of title IV; • ESEA, Part A of title V; and • ESEA, Subpart 2 of part B of title VI. 	<p>Citations:</p> <ul style="list-style-type: none"> • Public Law 107-110, Section 9521 • Code of Federal Regulations, Title 34, Section 299.5

<p>Grants – Federal - Maintenance of Effort – Individuals with Disabilities Education Act</p>	<p>Requirements in federal regulations, related to the Individuals with Disabilities Education Act (IDEA) require school districts to maintain year-over-year expenditure levels for programs and services benefiting individuals with disabilities. The required 100% maintenance of effort for year-over-year expenditures is in relation to total expenditures or expenditures per student with disabilities (based upon fall child count). Expenditures for Program Intent Code 23, Services to Individuals with Disabilities, for selected function codes for the General Fund and expenditures from nongrant sources made by fiscal agents of shared service arrangements are included in the determination of compliance with maintenance of effort. Certain provisions allow a reduction in effort including: (1) Turnover in staff resulting in lower salary expenditures for new staff assigned to special education area; and (2) Decreases in enrollment, dismissal of students from special education program and/or graduation of students that result in a remaining special education student population that is less costly to serve.</p> <p>If there was a year-over-year deficiency in the local / state maintenance of effort, the deficiency will be offset by 50 percent of the increase in the IDEA-B entitlement (only for those school districts and open-enrollment charter schools that had an increase in the current year entitlements). Additionally, to be eligible for the 50%, the school district or open-enrollment charter school must meet certain criteria in the state performance plan for students with disabilities.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Public Law 108-446, Section 613(a)(2)(iii) • Title 34, CFR, Section 300.203
<p>Grants – Federal - Supplement not Supplant</p>	<p>A basic requirement of federal grants is that this revenue source must supplement and not supplant local effort involving local and state revenue sources that funded strategies in the General Fund in the prior year(s). Federal funds may not be used to provide services required by state law, State Board of Education rule, or local policy. Funds may not be diverted for other purposes because of the availability of these federal funds. To</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • 34 CFR Sections 76.564 - 76.569

	determine compliance with the supplement not supplant requirement, an LEA must determine what services the LEA would have provided in the absence of Title I funds to students in Title I campuses. Generally in a situation where an LEA used Title 1 funds to provide services that it provided with non-Federal funds in the prior year(s), supplanting is presumed to occur.	
Grants – Federal - Teacher Retirement System Contributions	School districts are to pay the state contribution to TRS from federal grants for employees whose salaries are charged to federal revenue sources.	Citations: <ul style="list-style-type: none"> • Texas Government Code Section 825.406
Grants – State and Federal - Grant Deadlines	Participation in state and federal grants is a strategy for maximizing currently available revenues for instructional programs and other education-related purposes. There were approximately 1,054 deadlines from September 1, 2010 through August 31, 2011 for all state and federal grants administered by TEA. Additional deadlines exist for other grantor agencies. Many of the grants do not fund the costs to administer the grant activities, including managing the multitude of efforts related to the many deadlines associated with participation in state and federal grants. For those grants that do provide reimbursement of administrative costs through an indirect cost reimbursement, the amount provided through the indirect cost reimbursement is not adequate to cover all of the administrative activities resulting from participation in certain grants. Deadlines for TEA state and federal grants during the period September 2010 through August 2011 included: <ul style="list-style-type: none"> • Annual Survey of Children in Local Residential Facilities for the 	Citations: <ul style="list-style-type: none"> • Standard Application System Appendices • Title 34 CFR Part 80

	<p>Neglected or Delinquent</p> <ul style="list-style-type: none"> • Application • Application Amendment • Application Designation Certification • Final Report • Enrollment Report • Final Evaluation Report • Final Expenditure Report • Final Report • Interim Expenditure Report • Interim Progress Report • Notice of Intent • Quarterly Expenditure Report • Revised Final Expenditure Report • • Section 1512 Quarterly Report • Survey of Children in State Agency Facilities 	
<p>Grants – State and Federal - Indirect Cost Rates</p>	<p>School districts are provided a restricted indirect cost rate that may range up to 8%, and a non-restricted rate that may range up to 30%, based upon financial information contained in Exhibit J-2, Schedule of Expenditures for Computation of Indirect Cost (fewer grants in recent years provide indirect</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Financial Accountability System Resource Guide

	cost reimbursements). The indirect cost rate is a budget line item under certain federal grants. The indirect cost rate is intended to offset administrative costs in the General Fund under Function Codes 41, General Administration and 53, Data Processing Services.	<ul style="list-style-type: none"> • 34 CFR 75.563 - 76.563
Grants – State and Federal – Time and Effort	<p>An essential payroll-related compliance requirement is to maintain required documentation to support charges for payroll.</p> <ul style="list-style-type: none"> ▪ All charges to payroll for grant-funded personnel must be based on one of the following: <ul style="list-style-type: none"> ▫ certification (except for programs covered under Ed-Flex, in which case a job description must be on file); ▫ time and effort records; or ▫ substitute system. 	<p>Citations:</p> <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • OMB Circular A-87
Health Insurance – Report on Comparable Plan	Where eligible employee group health coverage is provided under Section 22.004(b), Texas Education Code (under self-insurance or certain other options), school districts are to report compliance with requirements to provide participation in employee group health coverage that meets the minimum requirements established by the Teacher Retirement System. School districts are to file the compliance report with TRS no later than March 1 st , each even-numbered year.	<p>Citations</p> <ul style="list-style-type: none"> • General Appropriations Act • Texas Insurance Code Section 1579 • TEC Section 22.004
Health Insurance – Self Funded Plan or Other Plan Not Under Chapter 1579 Insurance Code	<p>The Texas Legislature in 2001 established a statewide school employee health insurance plan for teachers and other employees of school districts. Most school districts participate in TRS-Active Care.</p> <p>For TRS-Active Care nonparticipating school districts (about 13%) there various options for providing an eligible employee group health coverage plan. Nonparticipating school districts may provide an employee group health coverage under a self-insurance plan, an eligible risk pool or other eligible insurance plan. The coverage for employees must meet the substantive coverage requirements of Chapter 1251, Subchapter A, Chapter</p>	<p>Citations</p> <ul style="list-style-type: none"> • General Appropriations Act • Texas Insurance Code Section 1579 • TEC Section 22.004

	1364, and Subchapter A, Chapter 1366, Insurance Code, and any other law applicable to group health insurance policies or contracts issued in this state. The board of trustees of the Teacher Retirement System of Texas is authorized to adopt rules to determine whether a school district's group health coverage is comparable to the basic health coverage specified by subsection 22.204(b), Texas Education Code	
Health Insurance – TRS Care	School districts are to contribute to the TRS-Care plan based upon active employees' salaries, in accordance with the General Appropriations Act (the required contribution may range from .25 to .75 and is currently set at .55 percent). State contribution to TRS Care remains one percent for fiscal year 2012 but drops to one-half of a percent for 2013	Citations <ul style="list-style-type: none"> • General Appropriations Act • Texas Insurance Code Section 1575.204
Internet Posting – Utility Consumption	One of the required postings on a school district's local internet site is information on consumption and payments for electricity, water, and natural gas. To access TASBO's list of required Internet postings click on the link http://www.tasbo.org/resources/toolstemplates/internet-posting-requirements .	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • Government Code, Section 2265.001
Investment of Public Funds	All investments are to comply with the Public Funds Investment Act and all federal state and local law, rules or regulations. The board of trustees is to adopt and follow local policies for investments that are to primarily emphasize safety of principal and liquidity, in addition to investment diversification, yield and maturity, and the quality and capability of investment management. The local policies are to be reviewed at least annually. An audit of a school district's compliance with its investment policies is to be done in conjunction with the annual financial audit. A quarterly report is to be provided to the board on investment transactions for all funds covered by the Public Funds Investment Act. An annual review of investment strategies and are to be changed as needed. All	Citations: <ul style="list-style-type: none"> • Government. Chapter 2256 Subchapter A

	school district investment officers must provide evidence of 5 hours of investment training annually.	
Loan of Public Funds - Prohibited	School districts are not to make loans of public funds for the benefit of any individual, outside entity or organization.	Citations: <ul style="list-style-type: none"> • Texas Constitution Article III, Section 52
Payroll - Employee Classification	School districts must apply the independent contractor or employee test in order to appropriately apply the IRS requirements for payroll withholding in relation to all applicable individuals. The IRS does field audits of the appropriate application of this classification.	Citations: <ul style="list-style-type: none"> • IRS Publication 1779 • IRS Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding • Publication 15-A, Employer's Supplemental Tax Guide
Payroll - Employment Policies - Internet Posting	School districts are to post on the school district's local internet site a copy of the local employment policies adopted by the board of trustees.	Citations: <ul style="list-style-type: none"> • TEC Section 21.204(a)-(d)
Payroll - Mandated Salary Increases	<p>School districts are obligated by certain Legislative sessions to give a pay raise to specified employee classifications that must supplement mandated minimum salary amounts and any local increments. The 79th Legislature mandated a \$2,500 pay raise for teachers, librarians, counselors and nurses.</p> <p>House Bill 3646, 81st Legislative Session, mandated a salary increase for classroom teachers, full-time counselors, full-time nurses, full-time librarians, and full-time speech pathologists beginning with the 2009-2010 school year equal to the greater of \$80 per month, or the maximum</p>	Citations: <ul style="list-style-type: none"> • TEC Section 12.1331

	<p>uniform amount that can be delivered to these employees using an amount equal to the product of \$60 per WADA, adjusted in consideration of the additional contributions to the social security and teacher retirement systems. The 82nd Legislature in 2011 repealed the House Bill 3646 pay increase provisions in the Education Code. Although the provisions were repealed, there are various due process requirements that must be met prior to any reduction in salary is applied to contract employees. Due process provisions also apply to a furlough of contract employees.</p> <p>Pay raises required by the legislature do not fund local cost increases related to the teacher retirement system, social security (in some school districts), workers' compensation, and Medicare.</p>	
Payroll - Overtime Pay	<p>School districts are to follow the Department of Labor Fair Labor Standards Act (FLSA) regulations requiring a premium pay rate at a rate that is at least one and one-half times their regular rates of pay for nonexempt employees for hours worked in excess of 40 in a workweek. "The FLSA does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime hours are worked on such days." School districts may not require or allow nonexempt employees to volunteer to work hours over 40 hours without the benefit of overtime pay rates. Nonexempt employees may receive compensatory time off at a rate of not less than one and one-half hours for each hour of overtime worked, in lieu of overtime wages, in accordance with federal requirements for an eligible compensatory time benefit plan and subject to limits to the number of accrued hours without overtime pay.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • 29 U.S.C. 207 (a)(1) • 29 CFR Part 778
Payroll - PEIMS Reports	<p>The PEIMS payroll record as of the last Friday in October is to be submitted through PEIMS to the Texas Education Agency. The payroll record is reported for all funds. The level of detail for submitting payroll data is based upon the mandatory chart of accounts in the Financial Accountability System Resource Guide as follows:</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC, Section 44.003, 44.005 • Financial Accountability System

	<ul style="list-style-type: none"> • District ID • Staff ID • Payroll Activity Code • Fund Codes for <ul style="list-style-type: none"> ○ General Fund ○ Special Revenue Funds ○ Debt Service Fund ○ Capital Projects Fund ○ Enterprise Fund ○ Internal Service Fund • Function Codes • Object Codes for <ul style="list-style-type: none"> ○ 61XX • Organization Codes • Fiscal Year • Program Intent Codes • Payroll Amount 	<p>Resource Guide</p> <ul style="list-style-type: none"> • PEIMS Data Standards
Payroll – Posting of Vacancies – Internet Posting	School districts are required to post vacant positions for which a certificate or license is required on the school district’s local internet site or post the vacancy notice at certain physical locations.	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Section 11.163(d)
Payroll - Social Security – 218 Agreements	Most school districts do not participate in Social Security. The few social security participating school districts pay the employer’s contribution to social security based upon a Section 218 agreement. The 218-related agreements were established several decades ago and may not be rescinded to exit the Social Security system. In all, there are only a small number of school districts that participate in part or in whole in the Social Security system. In reference to Medicare, all school districts have paid the employer’s Medicare contribution of 1.45% for new employees hired since	<p>Citations:</p> <ul style="list-style-type: none"> • Social Security Act Section 218 • 20 CFR Section 404.1200

	March 31, 1986.	
Payroll – State Minimum Salary	<p>Provisions in TEC Chapter 21, Subchapter I mandate the minimum monthly salary of each classroom teacher, full-time speech pathologist, full-time librarian, full-time counselor certified under Subchapter B, and full-time school nurse. This subchapter also mandates other payroll-related provisions including:</p> <ul style="list-style-type: none"> • Days of service for educators employed under a 10-month contract • Maintenance of local salary supplements in applying provisions for salary increases specified in state law • Maintenance of career ladder supplement for teachers and librarians as that provision existed on January 1, 1993 • Planning and preparation time for classroom teachers • Duty-free lunch • Employment contracts • Payment of salary during absence for observation of holy days <p>Senate Bill 1, 82 Legislature, First Called Special Session, directs the Commissioner of Education to determine the monthly salaries to be paid no later than June 1 of each year. Senate Bill 1 also directs the Commissioner to evaluate and make recommendations regarding the salary schedule in a written report that is to be released no later than January 1, 2013.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Chapter 21 Subchapter I
Payroll – Teacher Contract Nonrenewal Notice	School districts are required, no later than the 10 th day prior to the last day of instruction in a school year, to provide notice to teachers concerning nonrenewal of their contract for the next school year.	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Section 21.103 and 21.106
Payroll – Unemployment	School districts are to provide unemployment insurance coverage to employees. School districts have various options for contributions to the	<p>Citations:</p> <ul style="list-style-type: none"> • Labor Code 201.026

Insurance	<p>Unemployment Compensation Fund including:</p> <ul style="list-style-type: none"> • Paying a state unemployment compensation tax administered by the Texas Workforce Commission, • Reimbursing the state fund for benefits paid to ex-employees, or • Entering a joint account with other political subdivisions to share the cost of benefits. 	
Payroll – Workers’ Compensation	<p>School districts are to provide workers’ compensation benefits to employees. These benefits are provided through:</p> <ul style="list-style-type: none"> • A self-funded plan, • Third-party insurance contract or policy, or • Entering into an interlocal agreement with other political subdivisions providing self-insurance plans. <p>Administration of workers’ compensation benefits includes: employee notification of workers’ compensation benefits, return-to-work arrangements, temporary income benefits, leave of absence benefits, and reports to the insurance carrier and the Texas Department of Insurance Division of Workers’ Compensation.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Labor Code 504.011
PEIMS Reports	<p>An extensive amount of data is required to be reported to TEA through PEIMS about staff, students and financial information. The standards are published in the TEA publication titled PEIMS Data Standards. The PEIMS Data Standards describing the specifications for records to be submitted number over 600 pages. This document is updated every year and changes to required data reporting standards result in requirements to change student and/or financial software systems, in addition to various forms and procedure manuals for management systems related to students, staff, payroll, business and grant management.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • PEIMS Data Standards
Prompt Payment Act	<p>School districts are to pay a financial penalty on late payments to vendors, when payment is made later than 30 days after the due date. Other</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Financial

	<p>provisions in state law provide that if the board meets only once a month or less frequently then the financial penalty applies if payment is made later than 45 days after the due date.</p> <p>The rate of interest that accrues on an overdue payment is the rate in effect on September 1 of the fiscal year in which the payment becomes overdue. The rate in effect on September 1 is equal to the sum of:</p> <ul style="list-style-type: none"> (1) one percent; and (2) the prime rate as published in the Wall Street Journal on the first day of July of the preceding fiscal year that does not fall on a Saturday or Sunday. 	<p>Accountability System Resource Guide</p> <ul style="list-style-type: none"> • Government Code Chapter 2251
Property Tax – Apportionment of Collections	<p>Property tax collections are to be apportioned to the General and Debt Service Funds according to the applicable tax rates for maintenance and operations (M&O) and interest and sinking (I&S) adopted for the fiscal year related to each current and delinquent property tax collection activity.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Chapter 45 • Financial Accountability System Resource Guide
Property Taxes – Interest and Sinking	<p>A school district is authorized to adopt an Interest and Sinking (I&S) tax rate based upon the current value of taxable property in the district (taking into account other funds available for that purpose) that is necessary to pay debt service [on voter approved bonds] issued for the acquisition, construction, or equipment of school buildings and other related purposes. In order to issue new voter approved bonded indebtedness, a school district is required to “demonstrate to the Texas Attorney General a projected ability to pay with a tax rate not to exceed \$0.50 per \$100 of valuation any proposed tax-supported bonds in addition to, with a limited exception, all previous issued bonds.” The proceeds from the I&S tax rate are required to be recorded in the Debt Service Fund. Resources in the</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Texas Attorney General Opinion No. GA-0775 • TEC Section 45.001

	Debt Service Fund may not be transferred to other funds unless all bonded indebtedness has been liquidated or paid off. Resources in the Debt Service Fund are not to be loaned to other funds for maintenance and operating purposes, including for payroll purposes.	
Property Taxes - Maintenance and Operations	<p>A school district may adopt a Maintenance and Operations (M&O) tax rate (without a tax rollback election) that does not exceed the lesser of (1) a district's compressed M&O rate (plus additional cents, if any, authorized by district voters at prior rollback elections) plus four cents <i>or</i> (2) the district's effective M&O rate plus four cents. A tax rate election is required to levy a M&O tax rate in excess of \$1.04 up to a cap of \$1.17.</p> <p>“A district may not adopt a tax rate that is lower than the adopted rate (in excess of the rollback rate) approved by the district's eligible voters at the rollback election...A district must hold an election to approve a rate previously adopted under the disaster exception in order to adopt that rate in a year subsequent to the year following the year in which the disaster occurred if the rate exceeds the district's rollback rate for such subsequent year.”</p> <p>School districts are to provide tax rate information to the County Tax Assessor Collector for the most recent five tax years beginning with the 2012 tax year. The information to be posted by the County Tax Assessor Collector is the following: adopted tax rate, maintenance and operations rate, debt rate, effective tax rate, effective maintenance and operations rate and rollback rate. This will allow taxpayers to go to a single web site to view tax rate information for all taxing entities.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Texas Attorney General Opinion No. GA-0775 • TEC Section 45.002
Purchasing - Competitive Procurement	School districts are to follow competitive procurement methods in state law for all school district contracts financed from local and/or state revenue sources with certain exceptions including produce, vehicle fuel and professional services. The requirements for competitive procurement	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Chapter 44 Subchapter B

	<p>in state law apply to purchases of \$50,000 or more in the aggregate per procurement category over each 12-month period. If local policies for competitive procurement for a school district are more restrictive than state law, then requirements in local policy prevail. Lastly, there may be special provisions for procurements in the terms and conditions for certain grants, including a grantor agency’s prescreening of qualified vendor(s) for goods or services to be funded from a grant. The provisions for competitive procurement for the purchase of goods and services are in Education Code Chapter 44, Subchapter B, and the provisions for construction and public works were moved by House Bill 628, 82 Legislature, Regular Session, to Government Code, Chapter 2267.</p> <p>The 82nd Legislature added provisions in the Education Code relating to change orders, and also added (with exceptions for certain types of contracts) the vendors’ location and number of staff employed in Texas to the mandatory criteria to be considered in making contract awards under the provisions in Chapter 44, Subchapter B. House Bill 628 also amended the statutory provisions for competitive sealed proposals to direct school officials to initiate negotiations only with the top ranked proposer and if negotiations are not satisfactory, then school officials are to formally notify the proposer in writing that negotiations have been terminated, and then school officials may proceed to negotiate with the next highest ranked proposer until a contract is reached or all proposals are rejected.</p>	
<p>Purchasing - Competitive Procurement – Federal Grants</p>	<p>Federal regulations for competitive procurement apply to all contracts of \$100,000 or more in the aggregate over a 12 month period. Because state law is more restrictive than the \$100,000 threshold in federal regulations, state law prevails for most contracts subject to competitive procurement under state law. In areas that federal regulations for competitive procurement are more restrictive than state requirements, then federal regulations in those areas will prevail including: professional services. If</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Title 34 CFR Section 80.36 • TEC Chapter 44 Subchapter B

	local policies for competitive procurement for a school district are more restrictive than state law and/or federal regulations, then requirements in local policy prevail. Lastly, there may be special provisions for procurements in the terms and conditions for certain grants, including a grantor agency's prescreening of qualified vendor(s) for goods or services to be funded from a grant.	
Purchasing - Newspaper Notices	School districts are required to post at least two notices pertaining to competitive procurement activities involving bids and proposals.	Citations: <ul style="list-style-type: none"> • TEC Section 44.031
Purchasing Other State Bidder Preference Laws	School districts are to review the bidder preference provisions for other states according to the location of the business headquarters of vendors that submit competitive sealed bids and proposals. If the other state(s) require vendors to apply a bid preference law, then the Texas school district is to apply a like preference to vendor bids and proposals from other state(s).	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • Government Code Section 2252.003
Shared Services Arrangements - PEIMS Report- Actual Financial	The actual shared services arrangement financial data for the fiscal year is to be submitted through Public Education Information Management System (PEIMS) to the Texas Education Agency. The shared services arrangement fiscal agent reports the 033 PEIMS Record on behalf of all member districts. A shared services arrangement is an education-related purpose cooperative. The level of detail for submitting actual shared services arrangement financial data 033 record is based upon the mandatory chart of accounts in the Financial Accountability System Resource Guide as follows: <ul style="list-style-type: none"> • District ID • Shared Services Arrangement Member District ID • Shared Services Arrangement Type Code • Fund Codes for <ul style="list-style-type: none"> ○ Special Revenue Fund - Shared Service Arrangement Fund 	Citations: <ul style="list-style-type: none"> • PEIMS Data Standards • Financial Accountability System Resource Guide

	<p>Codes</p> <ul style="list-style-type: none"> • Fiscal Year • Actual Amount 	
State Aid - Foundation School Program – Special Programs	<p>Expenditures charged to the FSP Special Program allotments are restricted to the purposes stated in applicable statutory provisions in Chapter 42 and other Chapters in the Texas Education Code, and applicable Chapters of the Texas Administrative Code. The FSP special program weights and adjustments for Special Education, Gifted and Talented, Career and Technology, Compensatory Education, and Bilingual/ESL have not been updated, with limited exceptions, in about 20 years. As a result, the gaps have grown significantly over many years in state aid allotments versus cost to deliver services for the FSP special programs. Additionally, a review of statutory provisions in TEC Chapter 42 shows legislative intent that a portion of the FSP special program allotments be available to fund administrative costs; however, funding of administrative costs for the FSP special programs has not been available for most school districts for many years because total spending for the special programs has exceeded the entire funding allotment according to actual financial data submitted through PEIMS through fiscal year 2009.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Chapter 42
State Aid – Transportation	<p>The transportation allotment weights and adjustments have not been updated, for the most part, over the last twenty years to keep pace with the rising costs of delivering transportation services for students. The gap has grown significantly over many years in the state aid allotment versus cost to deliver services in this area. As a result, an increase in the allotment of about two to three hundred percent would just be sufficient to close the funding gap for most school districts.</p>	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Section 42.155
State Compensatory Education –	<p>School districts are required to contract with a licensed certified public accountant or licensed CPA firm for an agreed upon procedures engagement related to State Compensatory Education-related expenditures</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Financial Accountability System

Agreed Upon Procedures Report	and other compliance area, if the school district does not pass the applicable risk criteria test in the State Compensatory Education Module of the Financial Accountability System Resource Guide .	Resource Guide <ul style="list-style-type: none"> • TEC Section 42.152
Student Fees	School districts have limited authority to charge student fees in accordance with provisions in state law including Texas Education Code Section 11.158.	Citations: <ul style="list-style-type: none"> • TEC Section 11.158 • Financial Accountability System Resource Guide
Superintendent Payment Disclosure Form	School districts are to submit a completed form to the TEA Division of Financial Audits in the event payments are made to a superintendent upon termination of the superintendent’s employment with the school district under an arrangement involving severance payments. In some instances, the TEA may offset FSP state audit funds earned by the school district in the amount of disallowed payments made to the superintendent following termination of employment with a school district.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • TEC Section 11.201(c) • Title 19, TAC, Chapter 105, Subchapter CC
Superintendent’s Contract – Internet Posting	School districts are required to post the superintendent’s contract on the school district’s local Internet site, if a copy is not included in the financial management report prepared for the public hearing held to review the school district’s performance under the financial accountability rating system or School FIRST.	Citations: <ul style="list-style-type: none"> • Title 19, Texas Administrative Code, Chapter 109, Subchapter AA
Surplus Personal Property - Disposal	School districts may dispose of surplus personal property as authorized under a resolution by the board of trustees. Grantor agencies are to be contacted concerning the financial receipts received from the disposal of federally funded equipment (fair market per unit value of \$5,000 or more	Citations: <ul style="list-style-type: none"> • TEC Section 11.151(c) • Title 34 CFR Section

	<p>unless more restrictive provisions in grant terms and conditions), or supplies and materials (fair market value in aggregate of \$5,000 or more unless more restrictive provisions in grant terms and conditions), in accordance with the grant terms and conditions. School districts are advised to use a public auction service to dispose of surplus personal property to help ensure they receive the best value.</p>	80.32
<p>Surplus Real Property - Disposal</p>	<p>School districts may dispose of surplus real property as authorized under a resolution by the board of trustees. Grantor agencies are to be contacted concerning the financial receipts received from the disposal of federally funded real property, in accordance with the grant terms and conditions. The requirements for disposal of real property include:</p> <ul style="list-style-type: none"> • The Board passes a resolution determining that the real property is no longer needed for school purposes, and authorizing the administration to obtain an appraisal and advertise property for sale. • The District obtains an appraisal of the property. • 1st notice: District advertises the property for sale in a newspaper of general circulation in the county in which the land is located. • 2nd notice: On a separate date, the District again advertises the property for sale in a newspaper of general circulation in the county in which the land is located. • In addition to placing the two required advertisements, the Board may also employ a licensed real estate broker for assistance in the sale of the property. • The Board passes a 2nd resolution (1) determining the highest and best bid; (2) authorizing the District to enter into an earnest money contract with the highest and best bidder; and (3) authorizing the Superintendent, Board President, and others to sign the earnest money contract, deed conveying the property, and other documents necessary to close the transaction. • The District submits a notice of the proposed transfer of property to the 	<p>Citations:</p> <ul style="list-style-type: none"> • TEC Section 11.151(c) • Title 34 CFR Section 80.32

	<p>Commissioner of Education for approval (including verification that the deed to be conveyed will contain the restrictive covenants required by Civil Order 5281).</p> <ul style="list-style-type: none"> • Approval is received from the Commissioner of Education to close the transaction. • The sale is completed according to the terms of the earnest money contract. (Note: the sale cannot be completed any earlier than the 14th day after the date that the 2nd notice is published in the newspaper). 	
Tax Collector Bond	School districts are to obtain bonding for the performance of the school district's tax collector in an amount approved by the board of trustees.	<p>Citations:</p> <ul style="list-style-type: none"> • Financial Accountability System Resource Guide
Teacher Retirement System – Above Statutory Minimum Payments	<p>School districts are to pay the state contribution for the above-state statutory minimum salary for certain employees.</p> <p>The state minimum salary schedule for teachers, full-time librarians, counselors, and nurses is the same as the 08-09 state minimum salary schedule as published by TEA.</p> <p>For other members employed who would have been entitled to the state minimum salary under former Section 16.056, Education Code, as that section existed on January 1, 1995, the state minimum salary schedule for the 09-10 school year is the same schedule provided by TEA for teachers, full-time librarians, counselors, and nurses.</p> <p>Section 825.405 of the Government Code was added in 1984 (prior to “Robin Hood” to require so-called “wealthy” school districts that were able</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Texas Government Code Section 825.405

	<p>to pay high salaries and still maintain low tax rates pay the state’s share of the Teacher Retirement contribution on the salary that exceeded the state minimum salary multiplied by the cost of education index (COEI). For all other districts, the state paid the employer’s share for all state and locally-funded positions directly to TRS for the entire salary.</p> <p>The standard for a low tax rate was set at below 125% of the statewide average effective tax rate for M & O, but most aspects of school finance have changed since 1984 and the highest wealth school districts no longer have the large tax advantage that they once enjoyed. Most importantly, the average tax rate has risen over the years and, at this time; all districts whether wealthy or poor are required to make these payments.</p> <p>In addition to the cost of the payment, this provision results in administrative inefficiencies. The portion of the employee’s salary that is above the state minimum multiplied by the COEI must be computed as a separate item on each payroll for each employee and the employer’s share calculated and forwarded to TRS. This requires an additional summary report each month. If anything changes such as being docked a day for excessive absences, quitting, or changing to a position with a different rate of pay, both the state minimum salary and the local salary that is being paid in this payroll period must be re-computed. Most districts have many of these changes every month and the complexity of the calculations defy automation and often require human intervention. .</p>	
<p>Teacher Retirement System – Service in First 90 Days</p>	<p>For the first 90 days of employment, school districts are to pay the state contribution for new TRS eligible employees (employed on or after September 1, 2005).</p>	<p>Citations:</p> <ul style="list-style-type: none"> • Texas Government Code Section 825.4041

of Employment		
Travel Costs – Maximum Charges to State and Federal Programs	School district official travel costs that are charged to state and federal programs are not to exceed the amounts adopted by the Comptroller of Public Accounts and various provisions contained in the General Appropriations Act enacted by each Legislative session.	Citations: <ul style="list-style-type: none"> • Financial Accountability System Resource Guide • Government Code Section 660.021 • General Appropriations Act



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