

Chapter 61. School Districts

Subchapter BB. Commissioner's Rules on Reporting Requirements

§61.1021. School Report Cards.

- (a) The campus report card disseminated by the Texas Education Agency (TEA) under the Texas Education Code, §39.305, shall be termed the "school" report card (SRC).
- (b) The intent of the SRC is to inform each student's parents or guardians about the school's performance and characteristics. Where possible, the SRC will present the school information in relation to the district, the state, and a comparable group of schools. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.
- (c) The SRC must be disseminated within six weeks after it is received from TEA.
- (d) The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as: including the SRC in a weekly folder sent home with each student, mailing it to the student's residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.
- (e) The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

Statutory Authority: The provisions of this §61.1021 issued under the Texas Education Code, §39.305.

Source: The provisions of this §61.1021 adopted to be effective November 28, 1994, 19 TexReg 8979; amended to be effective March 13, 2014, 39 TexReg 1707.

§61.1022. Texas Academic Performance Report.

- (a) The performance report provided by the Texas Education Agency (TEA) under the Texas Education Code, §39.306, shall be termed the Texas Academic Performance Report.
- (b) The intent of the Texas Academic Performance Report is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The Texas Academic Performance Report will present the campus performance information as well as student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.
- (c) The hearing for public discussion of the Texas Academic Performance Report must be held within 90 days after the report is received from TEA. This hearing may take place during a regularly scheduled or special meeting of the local board of trustees.
- (d) The Texas Academic Performance Report must be published within two weeks after the public hearing. It must be published in the same format as it was received from TEA.
- (e) The district may not alter the report provided by TEA; however, it may concurrently provide additional information to the public that supplements or explains information in the Texas Academic Performance Report.
- (f) The local board of trustees shall disseminate the report by posting it on the school district website and in public places, such as each school office, local businesses, and public libraries.

Statutory Authority: The provisions of this §61.1022 issued under the Texas Education Code, §39.306.

Source: The provisions of this §61.1022 adopted to be effective November 28, 1994, 19 TexReg 8979; amended to be effective March 13, 2014, 39 TexReg 1707.

§61.1025. Public Education Information Management System (PEIMS) Data and Reporting Standards.

- (a) Data submissions. The Public Education Information Management System (PEIMS) consists of all data submitted by school districts, charter schools, campuses, and other educational organizations and entities to the Texas Education Agency (TEA).
- (b) Standards. Data standards, established by the commissioner of education under Texas Education Code (TEC), §48.008, shall be used by school districts and charter schools to submit information required for the legislature and the TEA to perform their legally authorized functions. Data standards shall be published annually in official TEA publications. These publications shall be widely disseminated and include:
 - (1) descriptions of the data collections and submission requirements;
 - (2) descriptions of data elements and the codes used to report them, which include the number of reported incidents of bullying, including cyberbullying, that have occurred at each campus; the number of reported incidents of cyberbullying at each campus; and pregnancy as a reason a student withdraws from or otherwise no longer attends public school;
 - (3) detailed responsibilities of school districts, education service centers, and the TEA in connection with the data submission processes, including each deadline for submission and resubmission; and
 - (4) descriptions of the data submission requirements, including submission record layout specifications and data edit specifications.
- (c) External review process. The commissioner shall establish a policy advisory group that provides oversight of data collections and reporting standards policies. The policy advisory group membership shall be composed of representatives of school districts, charter schools, education service centers, state government, and educational associations. Subcommittees consisting of technical experts and representatives from user groups may be established by the commissioner to provide timely and impartial reviews of requested changes or additions to TEA data collections and reporting standards. The procedure for adding, deleting, or modifying data elements described in paragraphs (1)-(5) of this subsection provides consistency in updates to the data and reporting standards. The commissioner may approve changes to the data and reporting standards outside this process if necessary to expedite implementation of data collections and reporting.
 - (1) Prepare proposal. A written proposal is prepared to add, delete, or modify data elements. The proposal provides justification for the data collection, determination of data availability, and definitions of critical attributes and required analyses of requested data elements.
 - (2) Conduct research. Survey a sampling of districts to update and refine cost estimates, assess district burden, and determine any benefits from a pilot of the data collection.
 - (3) Solicit feedback. The subcommittee(s) established by the commissioner and other appropriate TEA committees review proposals and make formal, written recommendations to the policy advisory group. The policy advisory group reviews proposals and committee recommendations and makes recommendations to the commissioner for approval, modification, or rejection of the proposed changes.
 - (4) Collect data. Data standards and software made available to districts online are updated annually, implementing changes to data submissions requirements.
 - (5) Reevaluate data requirements. All data elements are reviewed by the commissioner-appointed subcommittee(s) and policy advisory group on a three-year cycle as part of an ongoing sunset process. The sunset process is designed to ensure that data standards meet the requirements specified in TEC, §48.008(c)(1)-(3) and (d).
- (d) Internal review process. The commissioner shall establish and determine the membership of a TEA committee that provides oversight of the TEA data collections and reporting policies. The commissioner shall also establish a TEA subcommittee that reviews data collections and reporting standards according to the requirements specified in TEC, §48.008(c)(1)-(3) and (d). The subcommittee is also responsible for maintaining data collections at the TEA. The procedure for adding, deleting, or modifying data elements described in subsection (c)(1)-(5) of this section provides consistency in updates to data and reporting

standards. The commissioner may approve changes to data and reporting standards outside this process if necessary to expedite implementation.

Statutory Authority: The provisions of this §61.1025 issued under the Texas Education Code, §48.008 and §48.009.

Source: The provisions of this §61.1025 adopted to be effective May 30, 2001, 26 TexReg 3744; amended to be effective July 14, 2005, 30 TexReg 3995; amended to be effective November 10, 2020, 45 TexReg 7997; amended to be effective July 26, 2022, 47 TexReg 4319.

§61.1026. Statutorily Required Reporting through the Public Education Information Management System.

- (a) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the number of full-time equivalent school counselors, defined as 40 hours of counseling services a week, at each campus.
- (b) Each school district and open-enrollment charter school shall report through TSDS PEIMS for each campus:
 - (1) the availability of expanded learning opportunities that are provided during:
 - (A) an extended school day program that students are required to attend as part of the regular program of the campus at which students are enrolled to increase the academic achievement and development of participating students;
 - (B) an extended school year program that students are required to attend as part of the regular program of the campus at which students are enrolled to increase the academic achievement and development of participating students; or
 - (C) a supplemental voluntary structured learning program that:
 - (i) occurs outside of the regular school day, including before- and after-school programs and summer programs; and
 - (ii) is coordinated with and enhances the regular academic program of the campus to increase the academic achievement and development of the participating student; and
 - (2) the availability of expanded learning opportunities that are provided by offering:
 - (A) rigorous coursework that includes activities related to providing Texas Essential Knowledge and Skills (TEKS)-aligned credit-earning courses, including activities related to dual credit and credit recovery;
 - (B) mentoring that consists of scheduled interaction between a trained adult and an individual student in which the adult provides support and teaches life skills to help the student's personal and academic development;
 - (C) tutoring that consists of one-on-one or small group instruction, led by a certified teacher, that provides supplemental content instruction or homework help to support student mastery of academic material and that does not include academic skill-building activities;
 - (D) physical activity that consists of instructor-led activities designed to provide students with supplemental opportunities for individual or group exercise or related knowledge and skills that encourage regular physical activity;
 - (E) academic support that provides supplemental instruction related to student academic skill development, including compensatory education, test-taking skills, and related academic skill-building, and that does not include tutoring and homework help; or
 - (F) educational enrichment in one or more subjects, including fine arts, civic engagement, science, technology, engineering, and mathematics, that includes activities that engage students in actively exploring academic content introduced during the regular school day to increase the academic success of students and consists of activities that are intentionally designed to align with but not replicate the instruction.

Statutory Authority: The provisions of this §61.1026 issued under the Texas Education Code, §33.252 and §48.009.

Source: The provisions of this §61.1026 adopted to be effective September 1, 2020, 45 TexReg 6105.

§61.1027. Report on the Number of Educationally Disadvantaged Students for Calculating the Compensatory Education Allotment.

- (a) Student eligibility. To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Texas Education Code (TEC), §48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 United States Code, §§1751, et seq. School districts and open-enrollment charter schools may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to TEC, §48.104:
- (1) parent certification, where the parent or guardian asserts meeting the income requirements for eligibility under this subsection;
 - (2) direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
 - (3) direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.
- (b) Student eligibility under the alternative method. In order to calculate the formula transition grant pursuant to TEC, §48.277, and §61.1011 of this title (relating to Formula Transition Grant), for purposes of calculating the compensatory education allotment under TEC, §42.152, as that section existed prior to House Bill 3, 86th Texas Legislature, 2019, school districts and open-enrollment charter schools with one or more campuses not participating in the NSLP may derive an eligible student count by an alternative method.
- (1) To be considered educationally disadvantaged in order to be counted for compensatory education funding using the alternative method, a student must meet the income requirements for eligibility under the NSLP.
 - (2) The total number of eligible students is the average of the best six months' count of students in accordance with paragraph (1) of this subsection. For school districts and open-enrollment charter schools in the first year of operation, the count is taken from the current school year. For all others, the count is from the preceding school year.
 - (3) For the purposes of receiving compensatory education funding under this subsection, school districts and open-enrollment charter schools must apply and adhere to reporting procedures.
 - (A) The commissioner of education will make available to school districts and open-enrollment charter schools appropriate income eligibility guidelines and application and reporting forms. The number of eligible students in accordance with paragraph (1) of this subsection will be reported on a monthly basis to the Texas Education Agency (TEA) in a manner and with a deadline specified by the commissioner.
 - (B) School districts and open-enrollment charter schools must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner.

- (c) Community Eligibility Provision (CEP). School districts and open-enrollment charter schools with one or more campuses using the CEP must still determine each student's individual eligibility status under the income guidelines for the NSLP for purposes of the compensatory education allotment.
- (d) Provisions for students participating in virtual learning in the 2021-2022 school year. For the 2021-2022 school year, students identified as educationally disadvantaged and designated in the Texas Student Data System Public Education Information Management System (TSDS PEIMS) with average daily attendance (ADA) eligibility code 9, Enrolled, Not in Membership Due to Virtual Learning, will generate state compensatory education funds and applicable weight as determined by their census block group number.
- (e) Recordkeeping. School districts and open-enrollment charter schools that receive compensatory education program funding pursuant to this section are responsible for obtaining the appropriate data from families of potentially eligible students, verifying that information, and retaining records.
- (f) Auditing procedures. The TEA will conduct an audit of data submitted by school districts and open-enrollment charter schools that receive compensatory education program funding pursuant to this section approximately every five years or on an alternative schedule adopted at the discretion of the commissioner.
- (g) Data source. The compensatory education allotment will be based on each student census block group submitted by school districts and open-enrollment charter schools in the TSDS PEIMS Fall submission. A census block group number must be submitted for every educationally disadvantaged student and each student coded with ADA eligibility code 9, except those students who are homeless, not enrolled, or otherwise ineligible for ADA or who reside in a residential facility and whose parents live outside the district.

Statutory Authority: The provisions of this §61.1027 issued under Texas Education Code, §§5.001(4), 48.104, and 48.277.

Source: The provisions of this §61.1027 adopted to be effective December 2, 2001, 26 TexReg 9619; amended to be effective May 17, 2016, 41 TexReg 3478; amended to be effective July 21, 2020, 45 TexReg 4971; amended to be effective April 19, 2022, 47 TexReg, 2011..

§61.1028. Reporting of Bus Accidents.

- (a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Accident--Any accident as described by the Texas Transportation Code, Chapter 550, Subchapter B.
 - (2) School bus--In accordance with the Texas Transportation Code, §541.201, a school bus is a motor vehicle that was manufactured in compliance with the Federal Motor Vehicle Safety Standards (FMVSS) for school buses in effect on the date of manufacture and that is used to transport preprimary, primary, or secondary students on a route to or from school or on a school-related activity trip other than on routes to and from school. A school bus is a bus owned, leased, contracted to, or operated by a school or school district that is regularly used to transport students to and from school or school-related activities; meets all applicable FMVSS; and is readily identified by alternately flashing lights, national school bus yellow paint, and the legend "School Bus." The term does not include a multifunction school activity bus, a school activity bus, or a motor bus.
 - (3) Multifunction school activity bus--In accordance with the Texas Transportation Code, §541.201, a multifunction school activity bus is a subcategory of school bus. It must meet all FMVSS for a school bus except having traffic control devices, including flashing lights and stop arm, and it may not be painted in national school bus yellow. The multifunction school activity bus cannot be used to transport students from home to school or school to home or for any purpose other than school activities.
 - (4) School activity bus--In accordance with the Texas Transportation Code, §541.201, a school activity bus is a bus designed to accommodate more than 15 passengers, including the operator,

that is owned, operated, rented, or leased by a school district, county school, open-enrollment charter school, regional education service center, or shared services arrangement and that is used to transport public school students on a school-related activity trip, other than on routes to and from school. The term does not include a chartered bus, a bus operated by a mass transit authority, a school bus, or a multifunction school activity bus.

- (5) Motor bus--The term "motor bus" does not include a vehicle that meets the definition of a school bus, a multifunction school activity bus, or a school activity bus. A motor bus is:
 - (A) a commercial, motor transit-type vehicle owned or leased by the school district or the school district's commercial contractor that is designed to transport 16 or more passengers including the driver on school activity trips; or
 - (B) a transit-type bus operated by a mass/metropolitan transit authority when the school district contracts with the authority in accordance with Texas Education Code, §34.008, to transport students to and from school.
- (b) Reporting.
- (1) School districts and open-enrollment charter schools shall report annually to the Texas Education Agency (TEA) the number of accidents in which their buses were involved in the past year. School districts and open-enrollment charter schools shall report the accidents in a manner prescribed by the commissioner of education. School districts and open-enrollment charter schools shall file annual accident reports to the TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:
 - (A) the total number of bus accidents;
 - (B) the date each accident occurred;
 - (C) the type of bus, as specified in subsection (a) of this section, involved in each accident;
 - (D) whether the bus involved in each accident was equipped with seat belts and, if so, the type of seat belts;
 - (E) the number of students and adults involved in each accident;
 - (F) the number and types of injuries that were sustained by the bus passengers in each accident; and
 - (G) whether the injured passengers in each accident were wearing seat belts at the time of the accident and, if so, the type of seat belts.
 - (2) A school district or open-enrollment charter school shall report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:
 - (A) the bus is owned, leased, contracted, or chartered by a school district or charter school and was transporting school district or charter school personnel, students, or a combination of personnel and students; or
 - (B) the bus was driven by a school district or charter school employee or by an employee of the school district's or charter school's bus contractor with no passengers on board and the accident involved a collision with a pedestrian.
 - (3) A school district or open-enrollment charter school shall not report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:
 - (A) the bus was driven by a school district or charter school employee or by an employee of the school district's or charter school's bus contractor, the accident occurred when no passenger other than the school district's or charter school's driver or bus contractor's driver was on board the bus, and the accident did not involve a collision with a pedestrian; or

- (B) the accident involved a bus chartered by a school district or charter school for a school activity trip and no school district or charter school personnel or students were on board the bus at the time of the accident.
- (4) A school district or open-enrollment charter school shall not report an accident that occurred in a vehicle that is owned, contracted, or chartered by a school district or charter school and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Statutory Authority: The provisions of this §61.1028 issued under the Texas Education Code, §34.015.

Source: The provisions of this §61.1028 adopted to be effective August 28, 2008, 33 TexReg 6819.