

STATE OF TEXAS §  
COUNTY OF TRAVIS §

Division Number: 213	Program Name: Advanced Placement Exams
Org. Code: 711P	Legal/Funding Authority: TEC §28.053 (h); TGC Title 10
Speed Chart:	Subtitle D §2155.067; 84 <sup>th</sup> TX Legislature, GAA Article III, Rider 49
Payee Name: The College Board	Contract #: 3548
Payee ID: 11316239653	PO #: 36757

Amendment # 2

**AMENDMENT TO STANDARD CONTRACT  
BETWEEN  
TEXAS EDUCATION AGENCY  
AND**

**The College Board**  
NAME OF CONTRACTOR

It is mutually understood and agreed by and between the undersigned contracting parties of the above numbered contract to amend said contract effective May 1, 2017, as follows:

**ARTICLE III. PURPOSE**

This amendment modifies the invoice submission requirements for Texas schools during the 2016-2017 School Year and requires The College Board to include campus-level detail in the Bill of Services. The amendment also provides a budget increase for exam fee subsidies.

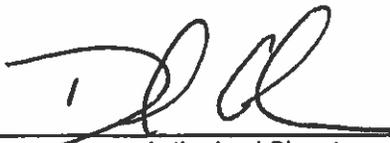
**ARTICLE IV. PAYMENT**

Subject to the availability of available funds for the purpose of this contract, TEA shall pay to Contractor test fee subsidies as described in the Revised Appendix One, attached. The total contract amount increases to \$ 18,100,000.00.

Contract Amount	\$ 10,000,000.00
Amendment Amount	\$ 8,100,000.00
Contract Total	\$18,100,000.00

All other terms and conditions of the original contract and amendments remain the same and are incorporated herein as if specifically written. It is agreed and accepted by a person authorized to bind Contractor that all Terms and Conditions of this Amendment are effective commencing on the above date.

\_\_\_\_\_  
David Coleman  
President and CEO

  
\_\_\_\_\_  
Authorized Signature

<b>THIS SECTION RESERVED FOR AGENCY USE.</b>	
I, an authorized official of Agency, hereby certify that this contract is in compliance with the authorizing program statute and applicable regulations and authorize the services to be performed as written above.	
AGREED and accepted on behalf of Agency this <u>25</u> day of <u>September 2017</u> (month/year) by a person authorized to bind Agency.	
Return an electronic copy to: <a href="mailto:TEAContracts@tea.texas.gov">TEAContracts@tea.texas.gov</a> Norma Barrera, Purchasing and Contracts Texas Education Agency 1701 North Congress Avenue, Room 2-125 Austin, Texas 78701-1494	 _____ Mike Morath Commissioner of Education

## **Revised Appendix One (May 1, 2017)**

**A.** If there is a conflict or ambiguity between or among the terms of the documents that constitute this Contract, and if that conflict or ambiguity cannot be resolved by construing the terms so as to harmonize all their terms, then the conflict or ambiguity shall be resolved with the following Contract documents prevailing in the following order of priority:

1. Contract Terms and Conditions of the Standard Contract
2. TEA Standard Contract, inclusive of all appendices

**B. Description of Services/Activities:**

The College Board will furnish the AP<sup>®</sup> examinations for the 2015-2016 School Year (SY) by May 31, 2016 and for the 2016-2017 School Year by May 31, 2017.

As defined in state statute (Texas Education Code, §28.053(h)), an eligible student is one who takes an AP course at a Texas public school or who is recommended by the student's principal to take the test and who demonstrates financial need as determined in accordance with guidelines adopted by the Texas State Board of Education that are consistent with the definition of financial need adopted by the College Board. Students with demonstrated financial need are those who meet one of the following criteria:

- 1) Eligible for free or reduced-price meals under the National School Lunch and Child Nutrition Program
- 2) From a family with an annual income at or below the official federal poverty threshold
- 3) Eligible for other public assistance, including Temporary Assistance to Needy Families (TANF)

**Timeline for Tasks/Activities**

<b>Date</b>	<b>College Board</b>	<b>Texas Schools</b>	<b>Texas Education Agency</b>
May 2016		AP exams administered in 15/16 SY	Call for Campus Invoices
June 2016		Submit invoice to TEA	Call for Campus Invoices
July 2016		Submit invoice to TEA	Call for Campus Invoices
August 2016	Submit Bill of Services*	Submit invoice to TEA	Call for Campus Invoices
September 2016	Submit Bill of Services*		Reconciling Bill of Services*
October 2016	Submit Bill of Services*		Reconciling Bill of Services/ Final Call
November 2016			Submit Reconciled Bill of Services*
December 2016	Final Invoice Due to TEA		Approve and Pay Final Invoice
January 2017			Approve and Pay Final Invoice
May 2017		AP exams administered in 16/17 SY	
June 2017		Submit invoice to College Board	
July 2017	Submit Bill of Services*	Submit invoice to College Board	
By August 2017	Submit Bill of Services*	Submit invoice to College Board	
By September 2017	Submit Bill of Services*		Reconciling Bill of Services*
By October 2017	Submit Bill of Services*		Reconciling Bill of Services/ Final Call
By November 2017			Submit Reconciled Bill of Services*
By December 2017	Final Invoice Due to TEA		Approve and Pay Final Invoice
By January 2018			Approve and Pay Final Invoice

\*The Bill of Services submitted by The College Board to TEA serves as an internal document to negotiate the list of schools served. The Bill of Services submitted for the 2016-2017 school year will include an itemized listing of each campus with the corresponding payment amount(s).

**C. Budget:**

The College Board and TEA agree to the following fee schedule:

- 1) TEA will provide a \$30 (SY 15-16 and SY 16-17) state test fee subsidy for each AP exam taken by an eligible Texas public school student, as indicated by the applicable high school AP coordinator.

### **Revised Appendix One (May 1, 2017)**

- 2) The College Board will provide a \$30 (SY 15-16) or \$31 (SY 16-17) fee reduction for each AP exam taken by an eligible Texas public school student.
- 3) Each Texas public high school will forego its \$9 rebate per exam taken by an eligible Texas public school student.
- 4) Through funding provided by the U.S. Department of Education AP Test Fee grant, TEA will provide a \$16 federal test fee subsidy, dependent on TEA receipt of federal award, for each AP exam taken during the 2016 School Year by an eligible Texas public school student, as indicated by the applicable high school AP coordinator.
- 5) TEA will provide up to a \$16 federal test fee subsidy for each AP exam taken during the 2017 School Year by an eligible Texas public school student, as indicated by the applicable high school AP coordinator.
- 6) Eligible students will be responsible for \$7.00 per AP exam.

Receipts must be made available for programmatic or financial audit, by TEA and by others authorized by law or regulation to make such an audit, for a period of not less than seven (7) years.

#### **D. Invoicing:**

The College Board and TEA will implement a direct billing arrangement under which TEA is billed for qualifying Advanced Placement® (AP) exams taken by eligible Texas public school students. The College Board will bill TEA directly, up to \$ 18,100,000.00, based on the number of Reduced Fee Exams actually administered, as determined by each high school and indicated on the invoice generated online by the applicable school's AP Coordinator. For the purpose of this Contract, the 'Bill of Services' presented by The College Board to TEA will serve as an internal document to negotiate the list of eligible schools served.

- 1) The College Board will submit a Bill of Services to TEA for the 2016 School Year AP Exams in August 2016, and then monthly thereafter until October 31, 2016, to reconcile errors and late submissions.
- 2) The College Board will submit a Bill of Services to TEA for the 2017 AP Exams by September 2017. The Bill of Services will indicate both federal and state subsidy amounts.
- 3) To reconcile the Final Invoice with the Bill of Services, The College Board will provide TEA with an electronic file containing all campus-level invoices.
- 4) The College Board and TEA will notify schools if they did not submit their AP invoice by November 10, 2016, for the 2016 School Year and by October 31, 2017, for the 2017 School Year.
- 5) TEA will pay the Final Invoice based upon the invoices submitted by the school to TEA for 2016 School Year and submitted to The College Board for the 2017 School Year.
- 6) School invoices not submitted to The College Board will not be honored.
- 7) The College Board will submit a Final Invoice to TEA by January 2017 for the 2016 School Year and January 2018 for the 2017 School Year.