CITY OF HARKER HEIGHTS, TEXAS
Title VI & Nondiscrimination Plan

August 25, 2025

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, and disability. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to *all* programs and activities of federal-aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and subrecipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

The *CITY OF HARKER HEIGHTS, TEXAS*, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21; and related statutes and regulations. The *CITY OF HARKER HEIGHTS, TEXAS*, acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how the *CITY OF HARKER HEIGHTS, TEXAS* incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for the *CITY OF HARKER HEIGHTS, TEXAS* and an informational resource for the public. The plan will be reviewed every 3 years and updated is necessary to reflect changes in Title VI compliance operations.

Discrimination under Title VI

It is the responsibility of every *CITY OF HARKER HEIGHTS, TEXAS* employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (*i.e.*, intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;

- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

The *CITY OF HARKER HEIGHTS, TEXAS* efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

Authorities

The authorities applicable to the *CITY OF HARKER HEIGHTS, TEXAS* Title VI/ Nondiscrimination Program include:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- **49 CFR Part 21** (entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964*);
- **23 CFR Part 200** (FHWA's Title VI/Nondiscrimination Regulation);
- **28 CFR Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and,
- **Texas Administrative Code** §9.4, Civil Rights – Title VI Compliance

Title VI Policy Statement

It is the policy of the *CITY OF HARKER HEIGHTS, TEXAS* that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the *CITY OF HARKER HEIGHTS, TEXAS* as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the *CITY OF HARKER HEIGHTS, TEXAS,* including its contractors and anyone who acts on behalf of the *CITY OF HARKER HEIGHTS, TEXAS* . This policy also applies to the operations of any department or agency to which the *CITY OF HARKER HEIGHTS, TEXAS* extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The nondiscrimination statement signed by the CITY MANAGER *of CITY OF HARKER HEIGHTS, TEXAS* is included as **Attachment 1**.

Standard DOT Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language, the *CITY OF HARKER HEIGHTS, TEXAS*, is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The *CITY OF HARKER HEIGHTS, TEXAS* is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the CITY OF HARKER HEIGHTS, TEXAS has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is included as **Attachment 2**.

Organization and Staffing

The CITY MANAGER of CITY OF HARKER HEIGHTS, TEXAS is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

The *CITY OF HARKER HEIGHTS, TEXAS* has assigned MS. *LEONA CLAY DIRECTOR OF HUMAN RESOURCES* to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of *DIRECTOR OF HUMAN RESOURCES* is located within the *HUMAN RESOURCES*

DEPARTMENT. A copy of Organization Chart for the *CITY OF HARKER HEIGHTS, TEXAS* is included as **Attachment 3.**

The Title VI Coordinator is responsible for:

- Maintaining and updating the Title VI plan on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;
- Ensuring prompt processing of Title VI complaints and referral to Texas Department of Transportation;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas; and
- Developing Title VI information for dissemination internally and externally;

Primary Program Area Descriptions & Review Procedures

The *CITY OF HARKER HEIGHTS, TEXAS* engages in the following program areas:

PROGRAM AREA AND GENERAL DESCRIPTION	TITLE VI/NON-DISCRIMINATION CONCERNS AND RESPONSIBILITIES	REVIEW PROCEDURES FOR ENSURING NON-DISCRIMINATION
Right of Way: Issues public right of way permits for construction, transportation, business, and other activities. Coordinates relocation of citizens whose property has been acquired for a right of way.	Public right of way permits and relocations should not create unfair burdens. Collecting demographic data from property owners who may be subject to right of way activities. Ensuring property owners impacted by right of way activities are made aware of their right to be free from discrimination on the basis of race, color, or national origin under Title IV of the Civil Rights Act of 1964.	Reviewing permits and relocations to ensure nondiscrimination. Ensure demographic data is part of necessary right of way templates or forms. Ensure Title IV notice is consistently provided to property owners impacted by right of way activities.
Maintenance: Services roadways and right of ways, including, but not limited to, providing: Repair, Signage, Drainage, Snow, and ice removal.	Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.	Reviewing resources provided to the community and determining whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.

Contracting: Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution.	Maintaining an open and fair bidding process for all contracts. Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.	Reviewing contracts for necessary Title VI language. Reviewing any available data on contract recipients to ensure nondiscrimination in contracting. Reviewing bidding procedures to ensure nondiscrimination and equal opportunity.
Planning: Short-term and long-term planning of transportation projects	Ensuring comprehensive public participation to ensure all stakeholders have a chance to voice their opinions. Collecting demographic data from public engagement activities regarding demographics of public participants. Providing language access as needed.	Review planning decisions to ensure nondiscrimination. Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Documenting language access requests.
Public Engagement: Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities.	Comprehensive public participation to ensure all stakeholders have an opportunity to voice their opinions. Collecting demographic data from public engagement activities regarding demographics of public participants. Providing language access as needed. Disseminating Title VI information to the public to ensure they are aware of their rights to be free from discrimination.	Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Documenting language access requests.

Data Collection and Analysis

PROGRAM AREA	TYPE OF DATA COLLECTED & PROCESS FOR COLLECTING	PURPOSE FOR COLLECTING THE DATA)
Right of Way	Collecting demographic data from property owners who may be subject to right of way activities by including inputs for demographic data on the field title report form.	Ensuring right of way activities do not disproportionately affect individuals or groups based on a protected class status.
Contracting	Identifying contractors who are, as defined by applicable Federal and State law(s), a: Disadvantaged Business Enterprise (DBE) Historically Underutilized Business (HUB) Small Business Enterprise (SBE)	Ensuring equal opportunity in contracting to all individuals and groups.
Planning	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.	Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.
Public Engagement	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community. Providing demographic questionnaires to public engagement participants and including demographic questions in public surveys.	Ensuring communications and interactions with the public sufficiently reach all local demographics.
Maintenance	Reviewing maintenance activities by geography and demographic makeup of communities receiving the maintenance services	Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

Potential sources of data and analysis tools include:

- Census Data
- American Community Survey
- School Districts
- Forms or Surveys from the public
- MPO Committees (e.g., Citizen Advisory Committees)
- Field Observations

Title VI Complaint Procedures

Scope of Title VI Complaints

No person or groups of persons shall, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by *the CITY OF HARKER HEIGHTS, TEXAS*, and its contractors on the grounds of race, color, or national origin.

The scope of Title VI covers all internal and external activities of *the CITY OF HARKER HEIGHTS, TEXAS*.

The following types of actions are prohibited under Title VI protections (See 49 C.F.R. 21.5):

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups
- Providing a different service or benefit or providing them in a manner different from what is provided to others
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964

How to File a Formal Title VI Complaint

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by the *CITY OF HARKER HEIGHTS, TEXAS* or its contractors, may file a Title VI complaint.

Discrimination complaints **must be received no more than 180 days after the alleged incident** unless the time for filing is extended by the processing agency.

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin, etc.);

- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

Complainants are encouraged to submit complaints directly to the Texas Department of Transportation (TxDOT).

Complaints can also be filed by completing and submitting *the CITY OF HARKER HEIGHTS, TEXAS'* Title VI Complaint Form available through *hr@harkerheights.gov* or by sending an email or letter with the necessary information to:

CITY OF HARKER HEIGHTS

Attn: Title VI Coordinator

Mailing Address: 305 Millers Xing, Harker Heights, Texas 76548

Email*: lclay@harkerheights.gov*

P**hone:** *254-953-5600*

If necessary, the complainant may call the phone number above and provide the allegations by telephone. The Title VI Coordinator will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

Complaints can also be filed directly with the following agencies:

Federal Highway Administration
U.S. Department of Transportation Office of
Civil Rights HCR-20, Room E81-320
1200 New Jersey Avenue,
SE Washington, DC 20590
Email: CivilRights.FHWA@dot.gov

Texas Department of
Transportation Civil Rights
Division
Attn: Title VI Program Manager
125 E. 11th Street Austin, Texas 78701

After submitting a complaint, the complainant will receive correspondence informing them of the status of the complaint within ten (10) business days from *the CITY OF HARKER HEIGHTS, TEXAS* or other agency receiving the complaint.

Complaints received by the *CITY OF HARKER HEIGHTS, TEXAS'* Title VI Coordinator, are forwarded to the TxDOT Office of Civil Rights (OCR). TxDOT OCR will forward the complaint to the FHWA Texas Division Office, along with a preliminary processing recommendation. The FHWA Texas Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

- **Accept**: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Texas Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Texas Division Office a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Complaints are not investigated by *the CITY OF HARKER HEIGHTS, TEXAS*. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to TxDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). TxDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

For further information about the FHWA investigation process and potential complaint outcomes, please visit the Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964 on the FHWA's website (https://highways.dot.gov/sites/fhwa.dot.gov/files/Title%20VI%20Complaint%20Questions%20and%20Answers_Final%2020190409_0.pdf).

Complaint Log

The *CITY OF HARKER HEIGHTS, TEXAS* maintains a complaint log to document all activity related to the complaint. Information captured includes:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

Notice of Rights

In accordance with 23 CFR 200.9(a)(12), the *CITY OF HARKER HEIGHTS, TEXAS* is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of the *CITY OF HARKER HEIGHTS, TEXAS* Title VI policies and procedures are listed in the following places:

City website: https://harkerheights.gov/
City Hall Administration Counter: 305 Millers Crossing, Harker Heights, TX 76548

Notification to Beneficiaries

The CITY OF HARKER HEIGHTS, TEXAS' website is continuously updated to ensure Title VI/Nondiscrimination Plan information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. The Title VI/Nondiscrimination Plan includes the following:

- Title VI Nondiscrimination Agreement (Attachment 1)
- Title VI and Related Statutes Nondiscrimination Statement in English (Attachment 4)
- Title VI Nondiscrimination Assurances (Attachment 2)
- TxDOT's External Discrimination Complaint Form in English and Spanish (Attachment 5)

Public Involvement

It is the goal of *The CITY OF HARKER HEIGHTS, TEXAS* to provide continuous, effective and transparent access to all stakeholders. *The CITY OF HARKER HEIGHTS, TEXAS* strives to inform all stakeholders about proposed plans and projects and seeks input when appropriate. *The CITY OF HARKER HEIGHTS, TEXAS* utilizes the following methods to communicate information regarding upcoming activities and opportunities for public and stakeholder participation in the planning process:

- *NEWSLETTER/MAILINGS*
- *EMAIL BLASTS*
- *MEDIA RELEASES*
- *VISUALIZATION PRESENTATIONS/TECHNIQUES*
- *LOCAL COMMUNITY PUBLIC MEETINGS*
- *THE CITY OF HARKER HEIGHTS' WEBSITE*
- *THE KILLEEN-TEMPLE MPO WEBSITE*
- *SOCIAL MEDIA APPS SUCH AS FACEBOOK, AND NEXTDOOR*

Traditionally underserved communities can find it more difficult to engage with decision making entities due to scheduling conflicts, lack of transportation to public involvement events, language barriers, lack of childcare, etc. Genuine public involvement takes place at all levels and so *the CITY OF HARKER HEIGHTS, TEXAS* aims to identify communities that may be affected by a project in order to plan appropriately and effectively for the potentially impacted groups. Sources of data used were listed above in the Data Gathering section. The *CITY OF HARKER HEIGHTS, TEXAS* specifically uses the following sources to identify minority and populations with limited English proficiency.

- *US CENSUS TABLE P9 – HISPANIC OR LATINO AND NOT HISPANIC OR LATINO BY RACE*
- *ACS TABLE B16001 – LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER*

The CITY OF HARKER HEIGHTS, TEXAS will use the following techniques to ensure that all members of the community have the opportunity to participate in the decision-making process:

- *HOLDING MEETINGS AT DIFFERENT TIMES*
- *HOLDING MEETINGS AT LOCATIONS OTHER THAN CITY HALL LIKE SCHOOLS, PARKS, OR THE LIBRAARY/ACTIVITY CENTER*
- *PROVIDING ONLINE AUDIO RECORDINGS OF PREVIOUSLY HELD MEETINGS*

- *TRANSLATING DOCUMENTS INTO LANGUAGES OTHER THAN ENGLISH*

- *HOLDING EVENTS ACCESSIBLE BY PUBLIC TRANSPORTATION*

Language Assistance and Limited English Proficiency

Individuals with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. Under Title VI, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Per USDOT LEP guidance, as outlined on FHWA's Civil Rights website, recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

(1) **Number or proportion of LEP persons eligible to be served or likely to be encountered by the program**: The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. For the assessment to be accurate it must also include all communities that are eligible for services or are likely directly affected by the district's programs or activities, not only those that live next to a project.

The *CITY OF HARKER HEIGHTS, TEXAS'* Population according to the U.S. Census website is 31,123. Looking at the lower of 5% of the population and 1,000, the *CITY OF HARKER HEIGHTS, TEXAS* is required to meet the needs of those that Speak English less than "very well" that are equal to or greater than 1,000 in population. None of the language categories on the U.S, Census currently meet that threshold for the *CITY OF HARKER HEIGHTS, TEXAS*.

(2) **Frequency with which LEP individuals come in contact with the program**: Consider how frequently encounters with LEP individuals may occur. Encounters with LEP individuals are documented by the district Title VI liaison in quarterly reports to the Civil Rights Division. Additionally, consider events or work projects in the next year, which may increase the frequency with which LEP encounters may occur.

The proportion of LEP individuals within the *CITY OF HARKER HEIGHTS, TEXAS* is between 0 and 623. As of the date of this plan, the *CITY OF HARKER HEIGHTS, TEXAS* interacts with community members who Speak English less than "very well" on an infrequent basis. The *CITY OF HARKER HEIGHTS, TEXAS* does not currently have a method to monitor the number of interactions with LEP individuals, but we will implement a new system by the end of FY 25-26. However, the *CITY OF HARKER HEIGHTS, TEXAS* does have some documents translated into

Spanish and does have some bilingual staff available to assist with Spanish speaking customers.

(3) **Nature and importance of the program, activity, or service provided by the program to people's lives**: Some consideration should be given to TxDOT policies, programs, events and projects planned for the next year but generally the nature and importance of LEP encounters should be considered on a project-by-project basis.

The *CITY OF HARKER HEIGHTS, TEXAS* approaches each project on a case-by-case basis and in accordance with any TXDOT requirements for grant funded projects.

(4) **Resources available to the grantee/recipient or agency, and costs**: TxDOT has both internal and external resources available to assist with translation and interpretation services.

A general four-factor analysis will help anticipate and prepare for what may be needed; however meaningful four-factor analysis can only occur on a project-by-project basis. When preparing to publish a document, launch a campaign, hold a public meeting, etc., a focused four-factor analysis should be conducted to determine what type of language assistance is needed.

The *CITY OF HARKER HEIGHTS, TEXAS* utilizes the Department of Homeland Security's "I Speak…" Language Identification Guide (**Attachment 6**) to assist an LEP individual to self-identify. The *CITY OF HARKER HEIGHTS, TEXAS* first utilizes internal staff identified as bilingual speakers or contracted translators if available for the identified language. A second resource is our County's 9-1-1 emergency response personnel. The third resource utilized is via technology.

Training

The CITY OF HARKER HEIGHTS, TEXAS will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing training:

Review of the *CITY OF HARKER HEIGHTS, TEXAS* Title VI Plan

- Attendance at any available Title VI trainings provided by the Texas Department of Transportation, U.S. Department of Transportation or its applicable operating administrations, or the U.S. Department of Justice.

- Viewing the video Understanding and Abiding by Title VI of the Civil Rights Act of 1964 produced by the U.S. Department of Justice (https://www.youtube.com/watch?v=lw0mefqIZ5Y)

The CITY OF HARKER HEIGHTS, TEXAS will maintain records indicating that staff have received sufficient training on a periodic basis.