

Board of Trustees

Meeting Date: 09/22/2026

Executive Summary of Board Agenda Item

Subject/Title for Agenda Posting: Consideration, Discussion and Possible Action through Board Resolution to Align District Policies and comply with Texas Education Code § 11.005 and § 39.008

Justification Statement: During the 89th Legislative Session, the Texas Legislature enacted Senate Bill 12, which added Section 11.005 to the Texas Education Code (TEC). This statute strictly prohibits school districts from assigning diversity, equity, and inclusion (DEI) duties to any individual and requires school districts to prohibit employees, contractors, and volunteers from engaging in such activities on behalf of the district.

Purpose of Agenda Item: ☐ Information ☒ Discussion ☒ Action
Item Type: ☐ Curriculum & Instruction ☒ Human Resources ☐ Business Services

Staff Responsible: Martha Carrasco
Signature of Requester(s)
Martha Carrasco Veronica Campbell
Signature of Presenter(s)

Business Services Approval (Initials)

Date

Agenda Summary:

The Texas Education Code (TEC) § 11.005(c) mandates that the Board of Trustees adopt formal local policies and procedures outlining appropriate disciplinary action, up to and including termination, for any employee or contractor who intentionally or knowingly engages in or assigns DEI duties. The statute requires that all district employees and contractors receive communication of such changes according to certified procedures provided to Texas Education Agency via electronic and/or standard form communication.

Under TEC § 39.008, the Superintendent must annually certify compliance with these provisions to the Texas Education Agency (TEA) by September 30. This item seeks Board approval for the local policy amendments, the distribution procedures for employees/contractors, and the authorization for the Superintendent's compliance certification.

RECOMMENDATION: The Administration recommends that the Board of Trustees approve the local policy revisions and the accompanying resolution demonstrating compliance with TEC § 11.005 and TEC § 39.008, and authorize the Superintendent to submit the annual compliance certification to the Texas Education Agency.

PRIOR BOARD ACTION: AWARDED: AWARDED AMOUNT:

AMOUNT(S):

ACCOUNT NO(S):

PROCUREMENT METHOD TYPE: (3 Quotes, Cooperative Contract Quotes, Sole Source, Formal Bid)

REQUESTING DEPARTMENT: **Human Resources Department**

CONSEQUENCES OF NON-APPROVAL: District will not be in compliance to the Texas Education Agency.

IMPLEMENTATION TIMELINE:

ATTACHMENT(S): ✓ Certification of Compliance for TEA submission; Policies Affected, Form to be provided to Employees and Vendors



TEC §39.008: Certification of Compliance with Certain Laws Required

Section 1: School System Information

Name of School District or Charter School: Canutillo ISD

County-District Number (CDN): 071907

Superintendent/CEO Name: Dr. Josue Borrego

Certification School Year: 2026-2027

Section 2: Description of Required Policies and Procedures

Provide a description or attach a copy of the policies and procedures required by TEC, §§11.005(c) and 28.0022(h) and describe how employees and contractors were notified of these policies and procedures.

Vendors will be notified via Purchasing Webpage and District Website Communication of Required Policies and Procedure adoptions. Additionally, Vendor Packet will be revised to comply with TEC §§ 11.005 (c) and 28.0022 (h). Vendor Form provided as reference and inclusion to the Vendor Packet revision.

Canutillo ISD has officially adopted TASB numbered Updates 119, 122, 126, and 127 and accepted the TASB Policy Service's local policy recommendations relevant to this compliance certification. As these updates were received and adopted by the District, the information was communicated to Cabinet members, principals and subsequently, staff members. Employees may review the District's updated policies on the Canutillo ISD website. Please see the attached policies relevant to the Compliance Certification. Attached letter will be part of the hiring packet process.

Section 3: Policy or Program Changes

Were any existing policies, programs, procedures, or trainings altered to ensure compliance with TEC, §§39.008, 11.005, and 28.0022? ☐ Yes ☒ No

If yes, describe or attach a copy of the changes below.

Section 4: Cost Savings

Were there any cost savings resulting from actions taken to comply with TEC, §39.008? ☐ Yes ☒ No

Total cost savings: \$ 0

If yes, describe or attach a copy of the cost savings.

Section 5: Board Approval

Date of Board/Governing Body Meeting: 09/22/2026

Meeting notice was posted on LEA website at least seven days in advance: ☒ Yes ☐ No

Public testimony opportunity provided during meeting: ☒ Yes ☐ No

Certification approved by majority vote: ☒ Yes ☐ No

Section 6: Certification Statement

By signing below, the undersigned certifies that the information contained in this document is true and correct and that the district or charter school is in compliance with the requirements of Texas Education Code §§39.008, 11.005(c), and 28.0022(h).

Superintendent/CEO Signature: _____

Date: _____

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, 20____.

Notary Public, State of Texas

Policy	Relevancy	
Section 2 of TEA's Compliance Certification Template [11.005(c) and 28.0022(h)]		
BJCF(LOCAL) — Superintendent: Nonrenewal	Engaging or assigning DEI duties, as well as instructional activities prohibited by law, were included in the list of reasons the superintendent's contract may be nonrenewed.	
BT(LEGAL) — Prohibition on Diversity, Equity, and Inclusion Activities	This new legal framework addresses SB 12's prohibition on DEI activities. Definitions and prohibited activities and certification requirements are included.	
CJ(LEGAL) and (LOCAL) — Contracted Services	Adopted new provisions reflect that contractors may not engage in or assign instructional activities prohibited by law or DEI duties under SB 12. Violations will result in termination of the contract.	
DF(LEGAL) — Termination of Employment	The legal framework was revised to address the prohibition on DEI and prohibited classroom instruction.	
DFBB(LOCAL) — Term Contracts: Nonrenewal	Engaging or assigning DEI duties, as well as instructional activities prohibited by law, were included in the list of reasons a term contract employee may be nonrenewed.	
DH(LOCAL) — Employee Standards of Conduct	Sections on Prohibited Classroom Instruction or Activities and Prohibited Diversity, Equity, and Inclusion Duties were added.	
Section 3 of TEA's Compliance Certification Template [39.008, 11.005, 28.0022]		
BJA(LEGAL) — Superintendent: Qualifications and Duties	The legal framework was updated to include information regarding the required certifications to TEA.	
BT(LEGAL) — Prohibition on Diversity, Equity, and Inclusion Activities	This new legal framework addresses SB 12's prohibition on DEI activities. Definitions and prohibited activities and certification requirements are included.	
CDC(LEGAL) — Other Revenues: Gifts and Solicitations	A district may not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development related to a concept listed in Education Code 28.0022(a)(4)(A).	
CJ(LEGAL) and (LOCAL) — Contracted Services	Adopted new provisions reflect that contractors may not engage in or assign instructional activities prohibited by law or DEI duties under SB 12. Violations will result in termination of the contract.	

Policy	Relevancy	
CMD(LEGAL) — Equipment and Supplies Management: Instructional Materials Care and Accounting	In providing instructional materials for each subject in the required curriculum and each grade level, the district protects students from obscene or harmful content as necessary for compliance with Education Code 28.0022.	
CQA(LEGAL) — Technology Resources: District, Campus, and Classroom Websites	The list of required website postings was updated to reflect that a district must post notice at least seven days before the date on which a meeting is held to discuss the certification of compliance with Education Code 11.005 and 28.0022.	
DG(LEGAL) — Employee Rights and Privileges	Teachers may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs and may not be subject to discipline for an allegation that they did so if they are using SBOE-approved instructional materials and teaching with fidelity.	
EMB(LEGAL) — Miscellaneous Instructional Policies: Teaching About Controversial Issues	The legal framework at this code was updated with the information from Education Code 28.0022.	
FOA(LEGAL) — Student Discipline: Removal by Teacher or Bus Driver	A teacher may not remove a student from class based on a single incident of behavior if the student is reasonably discussing certain debated and controversial topics subject to Education Code 28.0022.	



FINANCIAL SERVICES

CANUTILLO A Premier District

Notification of Disciplinary and Purchasing Policies and Procedures Pursuant to SB 12

July 1, 2026

Dear Employee, Contractor or Vendor, ,

Pursuant to Senate Bill 12 of the 89th Texas Legislature, the District is required to notify all employees and contractors of potential disciplinary consequences for violation of Texas Education Code Section 11.005(c) Prohibition on Diversity, Equity and Inclusion Duties and Texas Education Code Section 28.0022(h) Certain Instruction Requirements and Prohibitions.

Any employee or contractor who is in violation of Section 11.005 shall be subject to the District's disciplinary policies and procedures as found in the Board Policy, including but not limited to Board Policy CJ, CQA and DFBB. In accordance with Section 11.005, no employee or contractor shall intentionally or knowingly engage in or assign to another person diversity, equity, and inclusion duties.

Any employee or contractor who is in violation of Section 28.0022 shall be subject to the District's disciplinary policies and procedures as found in Board Policy, including but not limited to Board Policy DH, DCD, OF, DFAA, DFAB, DFBA, and DFBB. In accordance with Section 28.0022 a teacher, employee, contractor or vendor for the District may not engage in any of the prohibited activities regarding course curriculum and other instructional requirements.

Respectfully,

Dr. Josue Borrego
Superintendent of Schools

By my signature below, I acknowledge receipt of this correspondence.

Employee/Vendor Printed Name

Signature

Date

Street Address:
7965 Artcraft Rd.
El Paso, TX 79932

Mailing Address:
P.O. Box 100
Canutillo, TX 79835

P: (915) 877-7516
F: (915) 877-7524
canutillo-isd.org

Canutillo Independent School District does not discriminate on the basis of race, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or any other basis prohibited by law in its employment practices or in providing education services, activities, and programs, including career and technical education (vocational programs).

For additional information regarding Canutillo Independent School District's policy of nondiscrimination contact the Human Resources Division:
(915) 877-7423 | 7965 Artcraft Dr. | El Paso TX 79932.