

TEC §39.008: Certification of Compliance with Certain Laws Required

Section 1: School System Information

Name of School District or Charter School: Spring Branch Independent School District

County-District Number (CDN): 101920

Superintendent/CEO Name: Dr. Jennifer Blaine

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.

Please see attached for excerpts from the Spring Branch ISD Employee Handbook and following policies:

- BT Legal
- BJCF
- CJ Legal and Local
- DF Legal and Local
- DH Legal, Local, Regulation, and Exhibit (Educators' Code of Ethics)
- EFA Legal and Local
- EMB Legal and Local
- GE Local

Employees are notified of policies, procedures, and the employee handbook via electronic distribution and may access these items at any time on the district website. Administrators receive notifications during summer trainings and notify staff during beginning of year meetings. Please see attached for slides from related training items.

Contractor notifications are included in the vendor process and packet information.

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.

Please see above and attached for excerpts from the Spring Branch ISD Employee Handbook, BJCF, DH, and GE Policy.

Section 4: Cost Savings

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

Total cost savings: \$ _N/A_____

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

N/A

Section 5: Board Approval

Date of Board/Governing Body Meeting: September 14, 2026 Spring Branch ISD Board Workshop Meeting

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

2026-2027 Spring Branch ISD Employee Handbook excerpts

Standards of Conduct (Pages 56-50)

Policy DH

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action up to and including termination.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, up to and including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC by the superintendent. See *Reports to the Texas Education Agency*, page 80 and 116 for additional information.

The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

Texas Educators' Code of Ethics

Purpose and Scope

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall

safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. **This chapter shall apply to educators and candidates for certification.** (19 TAC 247.1(b))

Enforceable Standards

1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1 The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2 The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3 The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4 The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5 The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6 The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7 The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8 The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9 The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10 The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11 The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12 The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs and toxic inhalants.

Standard 1.13 The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Standard 1.14 The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.

Standard 1.15 The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

Standard 1.16 The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.

Standard 1.17 The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.

Standard 1.18 The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:

- I. described by TEC, §22A.201(a); or
- II. directly related to student behavior or school property.

2. Ethical Conduct toward Professional Colleagues

Standard 2.1 The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2 The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3 The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4 The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5 The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6 The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7 The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8 The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

3. Ethical Conduct toward Students

Standard 3.1 The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2 The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3 The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4 The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5 The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6 The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7 The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8 The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

- I. physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;
- II. contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;
- III. transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

- IV. taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and
- V. showing favoritism or isolation through gifts, rewards, or privileges.

Standard 3.9 The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in context and on the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

- I. the nature, purpose, timing, and amount of the communication;
- II. the subject matter of the communication;
- III. whether the communication was made openly, or the educator attempted to conceal the communication;
- IV. whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- V. whether the communication was sexually explicit;
- VI. whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student; and
- VII. whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

Controversial Topics (Pages 80-81)

Policies [EF series](#), [EMB](#)

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss widely debated and currently controversial issues of public policy or social affairs. Education Code 28.0022 (a).

Note: For instructional requirements and prohibitions, including requirements for student discussion, see [EMB](#).

Board Policies EFA and EFB

All staff are expected to fully read EFA and EFB Local board policies as well as their regulations and exhibits prior to the start of each academic year. Additionally, EFA Exhibit C must be completed by each teacher prior to the start of school, stating the following:

I have read all board policies regarding instructional resources and confirm that I have no resources available to students which are in violation of policy.

If I have any resources in question, I have asked those questions and confirmed that the resource complies with Board policy. I understand this confirmation applies to resources I have now or may acquire in the future.

Prohibition on Diversity, Equity, and Inclusion (Page 102)

Policies [DE](#), [DH](#)

Except as required by state or federal law, district employees are prohibited from engaging in diversity, equity, and inclusion activities, including assigning diversity, equity, and inclusion duties to any person. Any employee who intentionally or knowingly engages in or assigns diversity, equity, and inclusion duties to another person will be subject to appropriate discipline, including termination of employment.

Prohibited Classroom Instruction (Page 102)

Policies [DE](#), [DH](#)

District employees are prohibited from engaging in an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). Any district employee intentionally or knowingly engaging in or assigning to another individual activities related to controversial topics described in Education Code 28.0022 is subject to disciplinary action, including termination of employment.

PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

BT
(LEGAL)

Definitions

“Diversity, equity, and inclusion duties” means:

1. Influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation, except for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts, or as necessary to comply with state or federal law;
4. Compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

Education Code 11.005(a)

Prohibited Activities

Except as required by state or federal law, a district may not assign diversity, equity, and inclusion duties to any person and must prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.

Discipline Policy

The district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The policy and procedure adopted by the district must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions.

Notice

The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

Education Code 11.005(b)-(d)

Activities Not Prohibited

Nothing in this policy may be construed to:

1. Limit or prohibit a district from contracting with historically underutilized businesses or businesses owned by members of a minority group or by women in accordance with applicable state law;

PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

BT
(LEGAL)

2. Limit or prohibit a district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the TEKS adopted under Education Code, Subchapter A, Chapter 28;
3. Affect a student's rights under the First Amendment to the U.S. Constitution or Section 8, Article I, Texas Constitution;
4. Limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Education Code 39.053; or
5. Apply to:
 - a. Classroom instruction that is consistent with the TEKS adopted by the State Board of Education;
 - b. The collection, monitoring, or reporting of data;
 - c. A policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity; or
 - d. A student club that is in compliance with the requirements of Education Code 33.0815.

Education Code 11.005(e)

**Certification
Required**

Not later than September 30 of each year, the superintendent of a school district shall certify to the Texas Education Agency (TEA) that the district is in compliance with Education Code 11.005 (prohibition on diversity, equity, and inclusion duties) and the instructional requirements and prohibitions under Education Code 28.0022 [see EMB]. The certification shall be submitted electronically. TEA shall post each certification received under Education Code 39.008(a) on TEA's website.

Requirements

The certification must include:

1. A description of the policies and procedures required by Education Code 11.005(c) and 28.0022(h) and the manner in which district employees and contractors were notified of those policies and procedures;
2. Any existing policies, programs, procedures, or trainings that were altered to ensure compliance with Education Code 39.008, 11.005, or 28.0022; and

PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

BT
(LEGAL)

3. Any cost savings resulting from actions taken by the school district to comply with this section.

Board Approval

The certification required by Education Code 39.008(a) must be approved by a majority vote of the board at a public meeting that includes an opportunity for public testimony and for which notice was posted on the district's website at least seven days before the date on which the meeting is held.

Education Code 39.008

Reasons

The Board's decision not to renew the Superintendent's contract shall not be based on the Superintendent's exercise of Constitutional rights, or based unlawfully on race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Reasons for the nonrenewal of the Superintendent's contract shall be:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Insubordination or failure to comply with Board directives.
5. Failure to comply with Board policies or administrative regulations.
6. Failure of the District to make measurable progress toward the goals stated in the District improvement plan. [See BQ]
7. Conducting personal business during school hours when it results in neglect of duties.
8. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
9. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
10. Failure to meet the District's standards of professional conduct.
11. Failure to immediately (within 24 hours) report to the Board any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
12. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

14. Disability, not otherwise protected by law, that prevents the Superintendent from performing the essential functions of the job, with or without reasonable accommodation.
15. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or the community, impairs or diminishes the Superintendent's effectiveness in the District.
16. Any breach by the Superintendent of an employment contract or any reason specified in the Superintendent's employment contract.
17. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, staff, or the Board.
18. Behavior that presents a danger of physical harm to a student or other individuals.
19. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
20. Use of profanity in the course of performing any duties of employment, whether on or off District premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
21. Falsification of records or other documents related to the District's activities.
22. Falsification or omission of required information on an employment application.
23. Misrepresentation of facts to the Board or other District officials in the conduct of District business.
24. Failure to fulfill or maintain requirements for Superintendent certification, unless granted a waiver by the commissioner of education.
25. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
26. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
27. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]

SUPERINTENDENT
NONRENEWAL

BJCF
(LOCAL)

28. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.
29. Any reason constituting good cause for terminating the contract during its term.

**Notice of Proposed
Nonrenewal**

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent written notice of the proposed nonrenewal in accordance with law.

Request for Hearing

If the Superintendent desires a hearing after receiving notice of the proposed nonrenewal, the Superintendent shall file a written request with the commissioner for an independent hearing examiner, and provide the Board a copy of the request, not later than the 15th day after the date the Superintendent received the notice of proposed nonrenewal.

Hearing Examiner

The hearing shall be conducted by an independent hearing examiner in accordance with the process described at DFD(LEGAL).

Board Decision

Following the hearing, the Board shall take appropriate action in accordance with DFD(LEGAL).

No Hearing

If the Superintendent fails to request a hearing, the Board shall take the appropriate action and notify the Superintendent in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

CONTRACTED SERVICES

CJ
(LEGAL)

**Employment
Assistance
Prohibited**

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C. 7926 [See also DC]

Severance Pay

A district that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an independent contractor must include:

1. A requirement that severance pay that is paid from public money may not exceed the amount of compensation, at the rate at the termination of the contract, the independent contractor would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; and
2. A prohibition of the provision of severance pay when the independent contractor is terminated for misconduct.

CONTRACTED SERVICES

CJ
(LEGAL)

A district shall post each severance agreement in a prominent place on its internet website.

“Misconduct” means an act or omission by a contractor in the performance of the contractor’s duties that the board determines to be misconduct, including any finding of criminal conduct.

“Severance pay” means dismissal or separation income paid on termination of the contract of an independent contractor that is in addition to the contractor’s usual compensation as prescribed by the contract.

[For provisions related to severance agreements for district employees, see DEA.]

Local Gov’t Code 180.011

**Prohibition on
Diversity, Equity,
and Inclusion**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district contractor.

The policy and procedure adopted by a district must ensure that a contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [See BT]

Education Code 11.005(c)-(d) [See also DF]

**Prohibited
Classroom
Instruction**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). The district shall provide a physical and electronic copy of the policy and procedure to each district or school contractor. *Education Code 28.0022(h)* [See also DF, EMD]

**Sexual Orientation
and Gender Identity**

A district or district employee may not allow a third party to provide instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students enrolled in prekindergarten through 12th grade.

This provision may not be construed to:

1. Limit a student’s ability to engage in speech or expressive conduct protected by the First Amendment, U.S. Constitution or by Section 8, Article I, Texas Constitution, that does not result in material disruption to school activities;

CONTRACTED SERVICES

CJ
(LEGAL)

2. Limit the ability of a person who is authorized by the district to provide physical or mental health-related services to provide the services to a student, subject to any required parental consent; or
3. Prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a district campus.

Education Code 28.0043 [See also EMB]

CONTRACTED SERVICES

CJ
(LOCAL)

**Employment
Assistance
Prohibited**

No District employee shall assist a contractor or agent of the District or of any other school district in obtaining a new job if the employee knows, or has probable cause to believe, that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative file does not violate this prohibition.

No District contractor or agent shall assist an employee, contractor, or agent of the District or of any other school district in obtaining a new job if the contractor or agent knows, or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition.

[See also DC for prohibitions relating to employees.]

**Interaction with
Students and
Instructional Spaces**

Contracted service providers, consultants, and vendors who are granted access to students or District facilities shall comply with all applicable Board policies governing employee conduct, communication with students, and use of instructional spaces.

When interacting with students or operating in instructional settings, contractors shall not use such access to promote personal political, religious, or ideological viewpoints that are not directly related to the approved scope of services.

All materials, displays, and communications provided to students shall align with the educational purpose of the contracted service and shall comply with applicable Board policy, including EMB(LOCAL) and FNA(LEGAL), as appropriate.

Failure to comply with these standards may result in termination of services, removal from District property, or other action as permitted by contract and law.

**Prohibited
Classroom
Instruction or
Activities**

A District contractor is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB(LEGAL)]. Violation of this policy shall result in termination of the contract. A District contractor shall be permitted to appeal this action in accordance with GF(LOCAL).

**Prohibition on
Diversity, Equity,
and Inclusion**

A contract is subject to termination if the District contractor intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

A District contractor shall be permitted to appeal this action in accordance with GF(LOCAL).

[See BT(LEGAL)]

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), DFBA and DFBB (Term Contracts), and DFCA (Continuing Contracts).

**Withholding
Information**

An attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts), 21.156 (continuing contracts), and 21.211 (term contracts) or by the State Board for Educator Certification (SBEC), if applicable. *Education Code 26.008(b)*

**Registry of Persons
Not Eligible for
Employment**

A district shall discharge, or refuse to hire, or terminate, a person listed on TEA's registry of persons who are not eligible to be employed. [See DBAA] *Education Code 22A.151(b)*

**Discharge of
Convicted
Employees**

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a criminal history record information (CHRI) review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for:
 - a. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
 - b. An offense under Penal Code 21.12, Improper Relationship Between an Educator and a Student, or Penal Code 43.24, Sale, Distribution, or Display of Harmful Material to a Minor;
 - c. A felony offense under Penal Code Chapter 43, Public Indecency;
 - d. A felony offense involving school property; or
 - e. An offense under the laws of another state or federal law that is equivalent to items a, b, c, or d; or
2. Convicted of:
 - a. A felony under Title 5, Penal Code; or
 - b. An offense under the laws of another state or federal law that is equivalent to an offense under item 2a, above.

Exception

However, a district is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

1. The date of the offense is more than 30 years before the date the person's employment will begin; and
2. The employee satisfied all terms of the court order entered on conviction.

Education Code 22A.157(a)-(b), 22A.201(a) [See DBAA]

Certification to
Commissioner

Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions. *Education Code 22A.157(f)*

Sanctions

SBEC may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has criminal history described in Discharge of Convicted Employees, above. *Education Code 22A.157(e)*

Termination for
Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the district. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation). *Education Code 22A.157(d)*

**Certain Offenses
Against Students**

If a district receives notice that SBEC has revoked the certificate of a person based on the offenses listed at Discharge of Convicted Employees, the district shall:

Mandatory
Termination

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
2. For a person employed under a Chapter 21 probationary, continuing, or term contract, with the approval of the board or its designee:
 - a. Suspend the person without pay;
 - b. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
 - c. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(a), (c)

Discretionary
Termination

If a district becomes aware that a person employed by the district under a probationary, continuing, or term contract under Chapter 21 has been convicted of or received deferred adjudication for a

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felony offense, and the person is not subject to the mandatory termination provision above, the district may, with the approval of the board or its designee:

1. Suspend the person without pay;
2. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
3. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(d)

Notice to Employee A person's probationary, continuing, or term contract under Chapter 21 is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 22A.201(e)*

No Appeal Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 22A.201(g)*

Invalid or Expired Certification An employee's probationary, term, or continuing contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and

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3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

District's Options

If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

Education Code 21.0031(b)

Exception

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and
2. Not later than the 10th day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC.

Education Code 21.0031(b-1)

No Appeal or
Chapter 21 Hearing

A school district's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision. *Education Code 21.0031*

Applicability

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 22A.051 exist. [See DHB]

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**Report to
Superintendent**

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 22A.051 exist. [See DP]

**Falsification of
Military Record**

A district may discharge an employee, regardless of whether the employee is employed under an employment contract, if the district determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54.

An employment contract entered into by a district with an employee discharged by the employer under Labor Code Chapter 105 is void and unenforceable as against public policy. [See DF series]

Labor Code Ch. 105

**Prohibition on
Diversity, Equity,
and Inclusion**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

The policy and procedure adopted by a district must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [See BT]

Education Code 11.005(c)-(d)

**Prohibited
Classroom
Instruction**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). The district shall provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor. [See EMD] *Education Code 28.0022(h)*

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**Board's Designee for
Certain Termination
Actions**

The Superintendent shall serve as the Board's designee to suspend a contract employee without pay, provide written notice that the person's contract is void, and terminate employment as soon as practicable when the District:

1. Receives notice that an individual's certificate has been revoked by the State Board for Educator Certification (SBEC) for reasons that require immediate action by the District; or
2. Becomes aware that a contract employee has been convicted of or has received deferred adjudication for a felony offense.

[See also DFAA, DFBA, and DFCA, as appropriate.]

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Educator Ethics

Educators shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom.

The State Board for Educator Certification (SBEC) shall provide for the adoption, amendment, and enforcement of an educator's code of ethics [see DH(EXHIBIT)]. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(b)(8); 19 TAC 247.1(b), (c)

Duty to Report

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)* [See FFG]

Public Servants

All district employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(a)(41), Title VIII* [See DBD and BBFA]

**Electronic
Communication
Policy**

"Electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes emails, text messages, instant messages, and any communications made through a website, including a social media website or a social networking website.

A school district shall adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district.

The policy adopted under this section must:

1. Include provisions designed to prevent improper electronic communications between a school employee and a student;
2. Allow a school employee to elect to not disclose to students the employee's personal telephone number or email address; and
3. Include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

Education Code 38.027

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**Retaliation Against
Grievant**

The district grievance policy prohibits a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the district grievance policy. If the commissioner determines that an educator has retaliated against a student or parent of or person standing in parental relation to a student who files a grievance under the district's grievance policy, the commissioner may report the educator to SBEC for investigation. *Education Code 26A.001(e)(1), (i)* [See DGBA]

Social Transitioning

The board shall adopt a policy prohibiting an employee of the district from assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social transitioning.

"Social transitioning" means a person's transition from the person's biological sex at birth to the opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender that deny or encourage a denial of the person's biological sex at birth.

A parent of a student enrolled in the district or a district employee may report to the board of trustees of the district a suspected violation of this policy. The board shall investigate any suspected violation and determine whether the violation occurred. If the board determines that a district employee has assisted a student enrolled at the district with social transitioning, the board shall immediately report the violation to the commissioner.

A parent of a student enrolled in a district may seek relief for a violation by filing a grievance through the district's grievance procedure.

Education Code 11.401-.402

**Public Information
on Private Device**

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under 552.004(a).

Gov't Code 552.004(b) [See GB]

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**Loss of Retirement
Annuity for
Conviction of Certain
Felonies**

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);
2. Section 21.12 (improper relationship between educator and student);
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or
4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to TRS. The notice must comply with rules adopted by TRS.

Gov't Code 824.009

**Transportation or
Storage of Firearm in
School Parking Area**

A district may not prohibit a school employee who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law. [See GKA]

Education Code 37.0815

**Tobacco and
E-Cigarettes**

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

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Enforcement	A board shall ensure that district personnel enforce the policies on school property. <i>Education Code 38.006(b)</i> [See also FNCD and GKA]
Drug and Alcohol Abuse Program	A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. <i>Education Code 38.007(a)</i>
Federal Drug-Free Workplace Act	A district that receives a direct federal grant must agree to provide a drug-free workplace by: 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the district's workplace and specifying the actions that will be taken against employees for violations of the prohibition; 2. Establishing a drug-free awareness program to inform employees about: a. The dangers of drug abuse in the workplace; b. The district's policy of maintaining a drug-free workplace; c. Available drug counseling, rehabilitation, and employee assistance programs; and d. The penalties that may be imposed on employees for drug abuse violations; 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the required statement; 4. Notifying the employee in the required statement that as a condition of employment in the grant the employee will: a. Abide by the terms of the statement; and b. Notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction; 5. Notifying the granting agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of a conviction; 6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. section 8104; and

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7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

41 U.S.C. 8103(a)(1)

Dietary Supplements

Except as provided at Education Code 38.011(b), a district employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or
2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the storage or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

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Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Violations of
Standards of
Conduct**

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD, DCE, and DF series]

**Duties during a
District Investigation**

In the event of a District investigation or inquiry, each District employee has an affirmative duty to provide his or her supervisor(s), or any other District official assigned to investigate, all relevant and factual information about matters inquired.

Electronic Recording

No employee shall electronically record by audio or video, any conversations or meetings unless each and every person present has been notified of being electronically recorded. Persons wishing to record a meeting must notify anyone arriving late to any such meeting that the meeting is being recorded. An employee shall not electronically record a telephone conversation unless all persons participating in the telephone conversation have been notified of being electronically recorded. These provisions are not intended to limit or restrict electronic recording of publicly posted Board meetings, grievance hearings, and any other Board-sanctioned meeting recorded in accordance with Board policy. These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by District personnel.

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];

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2. A District employee who holds a handgun license in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

District Peace
Officer Exception

A District peace officer shall act in accordance with procedures of the District police department. [See CKC]

**Electronic
Communication**

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

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An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication.
[See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for maintaining privacy settings appropriate for the content.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Employee Use of Electronic Communication Devices

An employee shall limit use of personal electronic communication devices for personal business during scheduled work hours.

Prohibited Classroom Instruction or Activities

An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].

Prohibited Diversity, Equity, and Inclusion Duties

An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

[See BT(LEGAL)]

Social Transitioning

An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.

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Safety Requirements Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

As required by law, the District shall notify the parent of a student with whom a District employee or person acting as a service provider for the District is alleged to have engaged in certain misconduct.

[See FFF for parent notification requirements and DHB and DHC for reporting requirements.]

Tobacco and Nicotine Products and E-Cigarettes An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

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An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the be-

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gining of each year or upon employment in the employee handbook and on the District's website. A hard copy of the policy is also available upon request.

Fraud Awareness

Each employee shall be responsible for the detection, prevention, and reporting of fraud, misappropriations, and other irregularities. Each employee shall be familiar with the types of improprieties that might occur within his or her area of responsibility and shall alert for any indication of irregularity. [See CAA]

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor and human resources within three calendar days, or prior to returning to work, whichever comes sooner, of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses.

Consideration

Being convicted of or receiving adjudication for a crime shall not be an automatic basis for termination. The District shall consider the following factors in determining what action, if any, should be taken against an employee who receives deferred adjudication or is convicted of a crime during employment with the District:0.

1. The nature of the offense;
2. The date of the offense; and
3. The relationship between the offense and the position to which the employee is assigned.

Annual Criminal History Record Check

A criminal background check may be conducted on active personnel annually.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

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Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

No political or sectarian (religious) attire or attachments to clothing are permitted. Logos on clothing, buttons pinned to clothing, lapel pins, and brooches are all examples of items which are not allowed. Lanyards and clips are considered part of an employee's required attire related to ID badges.

An exception is made for personal jewelry items worn on the body and not attached to clothing.

**Employee Free
Speech**

The District may regulate employee speech made in the course of the job. Consequently, when an employee speaks as a school representative, personal free speech rights under the First Amendment are not implicated. See Policy DG (Legal). See Policy FNAB (Legal) and FNAB (Local) for student speech.

**Classroom
Instruction and
Work-Related
Speech**

Speech made by a teacher or other district employee in the course of instruction is work-related speech subject to the District's direction. Instruction is not the employee's personal expression, regardless of the degree of public concern surrounding the topic and regardless of whether the instruction is required curriculum or spontaneous conversation. Schools have broad discretion in curriculum and teaching methodologies and may regulate classroom instruction for legitimate pedagogical purposes. A public-school classroom is not open for public discourse and therefore is reserved for its intended purpose of imparting relevant instruction.

Teachers and other district employees shall not use the classroom to transmit personal beliefs. While discussing potentially controversial topics, employees will follow board policy EMB (Local).

**Classroom Displays
and Decorations**

Teaching on controversial topics includes the information conveyed to students through classroom aids and supplemental materials such as posters, messages written on whiteboards, etc. Any communication with students in an employee's official capacity, be it formal instruction or informal communication, is covered by EMB (Local). An employee may use his/her own time and resources to express personal opinions on political and other sensitive or controversial topics; however, the classroom may not serve as the forum for staff to express (verbally or through symbolic speech) personal viewpoints. Therefore, posters, flags, or signs in the classroom, written messages on whiteboards, messages on school

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webpages, etc. which are clearly intended to convey messages and information to the students need to be relevant to the classroom instruction and free from a personal viewpoint.

District employees do not have a special right of access to school facilities, including the walls of classrooms. Classrooms are instructional spaces and all materials on the classroom walls should support that purpose. Any display or decoration that causes a substantial disruption to the education environment or does not support the educational objectives of the classroom will be required to be removed.

Posts on Social
Media

Posts on social media accounts that are either school-sponsored or that staff use to broadly share information specific to school activities, event, lessons, or other work with parents and/or students are considered work-related employee speech. Any social media post that causes a substantial disruption to the education environment may lead to disciplinary action up to and including termination of employment. See Policies CQ and CQA.

Political Speech and
Displays at Work

State laws prohibit the use of public funds for electioneering and political advertising. In addition, state law prohibits lobbying through the use of state funds. This can include the use of district employee time; equipment such as computers, printers, and copiers; materials such as paper; facilities; and more. As a result, the District prohibits the use of employee work time and district resources for campaigning, political advocacy, displays of a political nature and/or political attire. See Policy CLE (Legal) and CLE (Local) for required displays.

Religious Speech
and Displays at
Work

Employee statements in their official capacity are attributed to the District. Consequently, employees are not at liberty to express their personal religious beliefs in a way that violates the constitutional prohibition on an establishment of religion.

Under policy FNA (Legal) and state law, a District may display on school property scenes or symbols associates with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion or one religion and at least one secular scene or symbol. A display relating to a traditional winter celebration may not include a message that encourages adherence to a particular religious belief.

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Electronic Recording

No employee shall electronically record by audio or video, any conversations or meetings unless each and every person present has been notified of being electronically recorded. Persons wishing to record a meeting must notify anyone arriving late to any such meeting that the meeting is being recorded. An employee shall not electronically record a telephone conversation unless all persons participating in the telephone conversation have been notified of being electronically recorded.

No employee shall use smart glasses technology. Employees with prescription smart glasses must keep them completely turned off.

Recording shall not be done in settings and/or meetings where employees are discussing services for specific students or where specific students are identified or protected items covered under FERPA and HIPAA related to students are being discussed.

Specific to ARD Meetings, the district, the parent, or the adult student may audio-record the ARD Committee meeting. All participants in the meeting must be notified that audio recording is taking place and the use of audio recording will be documented in the meeting minutes. When a parent or adult student notifies the ARD Committee that they are audio recording the meeting, the district will also record the meeting. Contents of the audiotape will remain confidential.

These provisions are not intended to limit or restrict electronic recording of publicly posted Board meetings, grievance hearings, and any other Board-sanctioned meeting recorded in accordance with Board policy. These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by District personnel.

Educators' Code of Ethics

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

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Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.

Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.

Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.

Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:

- I. described by TEC, §22A.201(a); or
- II. directly related to student behavior or school property.

Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

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Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

- I. physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;
- II. contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;
- III. transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;
- IV. taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

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- V. showing favoritism or isolation through gifts, rewards, or privileges.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in context and on the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

- I. the nature, purpose, timing, and amount of the communication;
- II. the subject matter of the communication;
- III. whether the communication was made openly, or the educator attempted to conceal the communication;
- IV. whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- V. whether the communication was sexually explicit;
- VI. whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student; and
- VII. whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

19 TAC 247.2

INSTRUCTIONAL RESOURCES
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Note: For provisions regarding inventory and requisition of instructional materials, including the annual certification, see CMD.

Definitions

“Instructional material” is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.

The term includes:

1. Material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
2. Material used by a principal or campus instructional leader to support instruction; and
3. Material used by a student, including a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.

Education Code 31.002(1-a)

“Open education resource (OER) instructional material” is teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1-b)*

“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

**State Materials
Selection and
Assistance**

The State Board of Education (SBOE) shall review instructional materials provided to the board by the Texas Education Agency (TEA) under Education Code 31.023. Before approving instructional material, the SBOE may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if

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the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Education Code 28.0062(a-1). The SBOE shall add each approved material to a list of approved instructional materials and may add a material not approved to a list of rejected instructional materials. *Education Code 31.022(a)*

TEA Website	TEA shall develop and maintain an instructional material website to assist districts in locating and selecting instructional material. <i>Education Code 31.025(a)</i>
TEA Support	On request of a district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials. Except as otherwise provided, TEA may not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the list of approved instructional materials maintained by the SBOE. <i>Education Code 31.0251</i>
OER Instructional Material	Except as provided by Education Code 31.0721(b), OER instructional material may not be made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. <i>Education Code 31.0721(a)</i> Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may adopt OER material at any time. A district may not be charged for a cost associated with the selection of an OER, except for the cost of printing copies of the material. <i>Education Code 31.073</i>
Local Instructional Materials Selection	A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. <i>19 TAC 66.104(a)</i>
Special Education	Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. <i>19 TAC 66.104(c)</i>
Criminal Offense	A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

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A board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

**Human Sexuality
Materials**

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council (SHAC).
Education Code 28.004(e)

[For more information on the requirements for adopting human sexuality instructional materials, see EHAA.]

**Instructional Material
Review**

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

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A district shall make tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials portal established under Education Code 31.154 [see CMD].

The district may specify reasonable hours for in-person review. A district may not deny a parent access to an instructional materials parent portal.

*Notice of
Entitlement to
Review Materials*

The district shall post on the home page of the district's or school's internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review these materials and may request that the district or school make the materials available for review as provided below. [See CQA(LEGAL)]

Review Period

In providing access to instructional materials to a student's parent under this provision, the district shall allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends.

For the entire period, the district shall include access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments.

*Taking Home
Materials*

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

*Students Without
Reliable Access
to Technology*

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

*Learning
Management
System or Online
Portal*

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

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**Parent Request for
Instructional Material
Review**

The board shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Education Code 31.0252 [see below] for a subject area in the grade level in which the student is enrolled.

Process

The process:

1. May not require more than one parent of a student to make the request;
2. Must provide for the board to determine if the request will be granted, either originally or through an appeal process;
3. May permit the requesting parent to review the instructional material directly before the district conducts an instructional material review;
4. Must establish minimum requirements for a parent's petition to the board for a local review of classroom instructional materials, including submission guidelines and timelines for the petition. The process must align to the statewide submission window of September 1 through the last instructional day for students. The process must require that the board consider such petitions at the regular board meeting that allows proper posting immediately following submission of the petition provided that it is submitted by the prescribed submission deadline;
5. Require parent petitions to include the student assignment, grade level, content area, campus name, and teacher name to complete the local review process; and
6. Establish an appeal process for parents if a petition for a local review is denied by the board, detailing steps for submitting an appeal, the criteria for reviewing the appeal, and the timelines for a final decision.

SBOE Notification

A district is requested to notify the SBOE member(s) representing the district, at the member's state email address as listed on the SBOE.Texas.gov website within one week of a decision to approve a parent request for local classroom review and one week after receiving the final report.

Limit on Reviews

The board is not required to conduct a review for a specific subject area or grade level at a specific district campus more than once per school year.

Parental Access
During Review

Parental access to instructional material provided by an instructional material review conducted under this provision is in addition

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to any other right to access instructional material granted by the Education Code or school district policy.

Mandatory Review
on Petition by
Group of Parents

If the parents of at least 25 percent of the students enrolled at a campus present to the board in which the campus is located a petition for the board to conduct an instructional material review under Education Code 31.0252, the board shall conduct the review, unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. A review shall include a review of instructional materials for each subject area or grade level specified in the petition.

Education Code 26.0061; 19 TAC 67.69

TEA shall develop standards that a district may use to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree in which the material corresponds with the instructional materials adopted by the district and meets the level of rigor of the essential knowledge and skills for the grade level in which it is being used. *Education Code 31.0252*

Harmful Materials

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes
 - a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism,

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lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and

3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(1)

**Federally Required
Parental Inspection**

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the United States Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)* [For more information about the Protection of Pupil Rights Amendment (PPRA), see FA.]

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Note: For information related to the selection process and accounting of instructional materials, as this term is defined by state law and rule, see EF(LEGAL) and EFA(LEGAL).

For information related to the selection process of library materials, see EFB(LOCAL).

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills (TEKS) and further the District's educational mission. The overarching criterion for instructional materials is education suitability.

Although the Superintendent or designee shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional materials" may include textbooks, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objective of instructional materials is to implement, enrich, and support the District's educational program.

In accordance with state and local standards, classroom collections (including both personal collections and District-provided collections) must meet the standards set forth in this policy. Instructional resources or materials that are used as assigned reading, whether from classroom collections, campus libraries, or District-adopted materials, must meet the standards set forth in this policy.

The Board shall rely on District professional staff to select and acquire instructional materials that meet the selection criteria outlined in this policy.

**Protection from
Inappropriate
Material**

Instructional materials shall not include "harmful material" as defined by Penal Code 43.24(a)(2), "obscene" material as defined by Penal Code 43.21(a)(1), or "sexually explicit material" as defined by Education Code 33.021. In all cases, instructional materials shall be consistent with the requirements set out in Education Code Chapters 33 and 35.

Penal Code 43.24(a)(2) defines "harmful material" as material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor in sex, nudity, or excretion;

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2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors. It is an offense in Texas to distribute such material in violation of Penal Code 43.24(b).

No instructional material shall be used if it contains content that can meet the harmful material standard.

Penal Code 43.21(a)(1) defines "obscene material" as material that:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes:
 - a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

No instructional material shall be used if it contains content that can meet the obscene material standard.

Education Code 33.021(a) defines "sexually explicit material" as any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Education Code Section 28.002(a), that describes, depicts, or portrays sexual conduct, as defined by Penal Code Section 43.25 in a way that is patently offensive, as defined by Penal Code Section 43.21. No instructional material shall be used if it contains content that can meet the sexually explicit material standard.

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Instructional materials must also demonstrate a commitment to compliance with the Children's Internet Protection Act (CIPA) as specified in 47 U.S.C. 254(h)(5), including technology protection measures. [See CQ]

Selection Criteria

Instructional materials shall be chosen from the list of resources adopted by the State Board of Education (when appropriate and/or available) in accordance with Education Code Chapter 28, Subchapter A, administrative regulations, and this policy. In the selection of instructional materials, professional staff shall ensure that the materials:

1. Enrich and support the curriculum taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge and enjoyment of learning.
3. Develop a balanced collection presenting multiple viewpoints related to controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis. [See EMB regarding instruction about controversial issues]
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Meet high standards for artistic quality and/or literary style, authenticity, educational suitability, factual content, physical format, presentation, readability, and technical quality.
6. Are appropriate for the school level.
7. Include accurate and authentic factual content from authoritative sources for nonfiction works.
8. Have a high degree of potential user appeal and interest.
9. Are free of obscene material.
10. Do not contain "sexually explicit material" as defined by Education Code Section 33.021 or "sexually relevant material" as defined by Education Code Section 35.001.1.
11. Do not contain "harmful material" as defined by Section 43.24, Penal Code.
12. Are not pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982); 457 U.S. 853 (1982).

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13. Do not feature gratuitous or explicit nudity that does not contribute to educational objectives, cultural understanding, or artistic merit. Books that do so will not be included in the library collection.
14. Do not contain nudity. Materials containing nudity, even if deemed educationally suitable, will be selected with consideration for the age and maturity level of the intended audience. [See specific guidance below for elementary and middle schools]
15. Promote literacy.
16. To the extent possible, while ensuring instruction in the TEKS, are designed to develop each student's civil knowledge according to Education Code 28.002 (h), (h-1) and (h-2), including:
 - a. An understanding of:
 - (1) The fundamental moral, political, and intellectual foundations of the American experiment in self-government;
 - (2) The history, qualities, traditions, and features of civic engagement in the United States;
 - (3) The structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (4) The founding documents of the United States.
 - b. The ability to:
 - (1) Analyze and determine the reliability of information sources;
 - (2) Formulate and articulate reasoned positions;
 - (3) Understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
 - (4) Actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
 - (5) Participate as a citizen in a constitutional democracy by voting.

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- c. An appreciation of:
 - (1) The importance and responsibility of participating in civic life;
 - (2) A commitment to the United States and its form of government; and
 - (3) A commitment to free speech and civil discourse.
- 17. Balance cost with need.
- 18. Do not contain material adopting, supporting, or promoting gender fluidity. Any instructional materials adopting, supporting, or promoting gender fluidity, including but not limited to displays, communications, and related signage, will be prohibited in the District's classroom collections and, if present, removed from any District setting. District staff will not instruct, refer, or otherwise guide any student to any internet website, chat room, or other online forum for publication for instruction or other information regarding gender fluidity, unless such website, chat room, or other online forum has been approved for use in the District's instructional materials. [See also EFB]

Gender Fluidity

Gender fluidity is defined as any belief, theory, or ideology that:

- 1. Espouses the view that gender is merely a social construct;
- 2. Espouses the view that it is possible for a person to be any gender or no gender (i.e., non-binary);
- 3. Espouses the view that an individual's biological sex should be changed to "match" a gender different from that person's biological sex; and
- 4. Supports hormone therapy or other medical treatments or procedures to temporarily or permanently alter a person's body so that it "matches" a gender different from that person's biological sex.

**Instruction
Regarding Founding
Documents**

When providing instruction regarding the founding documents of the United States, they shall be presented appropriately for the grade level, and in an objective, neutral, comprehensive, and unbiased manner that respects the entirety of the document. The founding documents of the United States include the Declaration of Independence; the United States Constitution; the Federalist Papers, including the Essays 10 and 51; excerpts from Alexis de Tocqueville's *Democracy in America*; the transcript of the first Lincoln-Douglas debate; the writings of the founding fathers of the United States; Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and

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	Martin Luther King Jr.'s speech "I Have a Dream," all taken as a whole. Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection.
Elementary and Middle School	No instructional materials in elementary and middle schools shall contain: 1. Visual or visually implied depictions of sexual acts or simulations of such acts; 2. Explicit written descriptions of sexual acts; 3. Nonexplicit written descriptions of sexual acts, except for purposes of teaching students (as may be approved by parents) to avoid and report molestation; or 4. Books with nudity, which will not be included in classroom library collections for elementary and middle school students unless they are age-appropriate and educationally suitable. Examples of acceptable nudity may include the innocent depiction of a backside in a Dr. Seuss book or nudity that contributes to the artistic merit of a Michelangelo painting.
Secondary Course Reading Selections	Parents/guardians shall be provided notice of required reading assignments for coursework in grades 6-12. If parents file a written objection on religious or moral grounds, their student shall be provided an alternative reading option as appropriate.
Advanced Coursework	Advanced courses that may result in college credit will often carry specific content and course requirements. These courses are governed by the College Board and higher education institutions. Scope and sequences are provided for teachers to utilize in addition to District-provided instructional resources.
Controversial Issues	District professional staff shall endeavor to maintain a balanced collection of instructional materials representing various views related to controversial issues to foster critical thinking skills and encourage discussion based on rational analysis [also refer to policy EMB].
Parent Request for Instructional Material Review	The Superintendent or designee shall develop administrative regulations to ensure compliance with state law and rules that a parent or guardian of a District student may request an instructional materials review for a subject area in the grade level in which their student is enrolled on the basis of the following: 1. The material is not aligned with District-adopted materials; or

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2. The material does not have the appropriate rigor for the grade level for the subject area in which the instructional material is used.

The regulations shall also address procedures for submitting a parent petition to review instructional materials, the appeal process if a petition for review is denied, criteria for reviewing any appeal, and timelines for each step in the process.

Challenged Materials

A parent of a District student, any employee, or any District resident may formally challenge an instructional material maintained in the District's educational program on the basis that the material fails to meet the standards set forth in this policy.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use by students. No challenged instructional material shall be removed solely because of the ideas expressed therein. All instructional material must meet the standards set out in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to challenges of instructional materials:

1. A complainant may raise an objection to an instructional material used in a school's educational program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional materials set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except as allowed in EFA(LEGAL) or if copies of the instructional material are needed for the reconsideration committee process. The District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged material shall be removed solely because of the ideas expressed therein.

**Informal
Reconsideration**

If the District or campus receives an objection to the appropriateness of an instructional material, the staff shall try to resolve the matter informally using the following procedure:

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(LOCAL)

1. The principal or designee shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the material;
2. The principal or designee shall explain the intended educational purpose for the material and any additional information regarding its use;
3. If appropriate, the principal or designee may offer a concerned parent an alternative material to be used by that parent's child in place of the challenged material; and
4. If the complainant wishes to make a formal challenge, the principal or designee shall provide the complainant a copy of this policy and form EFA(EXHIBIT) to request a formal reconsideration of the material.

Formal
Reconsideration

A complainant shall make any formal objection to an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee shall include at least one District-level staff member, one campus administrator, and one parent in addition to any other appropriate individuals as determined by the District. The parent should be from the same school level as where the challenged material is available. The committee shall be composed of an odd number of participants and shall be randomly selected.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy. The committee shall weigh the strengths and weaknesses of the challenged material and shall determine if material in question remains educationally suitable. The committee shall determine by majority vote through an anonymous ballot, whether or not the challenged material shall remain in use. The committee shall prepare a written report of its findings. The Superintendent or designee, other appropriate administrators, and the complainant shall receive copies of the report.

Appeal

The decision of the reconsideration committee shall apply District-wide and is in effect for two school years following the school year

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(LOCAL)

it was challenged. An instructional material shall not be reconsidered again for reinstatement or removal until after two school years.

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting with the appropriate administrator. [See DGBA, FNG, and GF]

Additionally, any two individual Board members may request the Board to review the final decision of a reconsideration committee and present their rationale to the Board in an open meeting. The Board shall vote whether to uphold, modify, or reject the reconsideration committee's decision to either retain, relocate, or remove challenged material. The oversight responsibility for the review, inclusion, and removal of materials is vested in the Board.

Staff Training

The principal or designee shall annually review policies EFA(LEGAL), EFA(LOCAL), EFA(REGULATION), and CQ(LEGAL) in their entirety with the staff.

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

**Exemption from
Instruction**

A parent or person standing in parental relation is entitled to remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This provision does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the district and the Texas Education Agency (TEA).

Education Code 26.002, .010

See also *Mahmoud v. Taylor*, 145 S.Ct. 2332 (2025) (holding that the introduction of certain public school instruction, without parental notice and an opportunity to opt out, would likely burden parents' right to free exercise of religion).

**Instructional
Requirements and
Prohibitions**

Controversial
Topics

The following provisions under Education Code 28.0022(a) apply to any course or subject, including an innovative course, for a grade level from kindergarten through grade 12.

A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.

A teacher who chooses to discuss a topic described above shall explore that topic objectively and in a manner free from political bias.

Education Code 28.0022(a)(1)-(a)(2)

Sexual Orientation
and Gender Identity

A district or district employee may not provide or allow a third party to provide instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students enrolled in prekindergarten through 12th grade.

This provision may not be construed to:

1. Limit a student's ability to engage in speech or expressive conduct protected by the First Amendment, U.S. Constitution or by Section 8, Article I, Texas Constitution, that does not result in material disruption to school activities;
2. Limit the ability of a person who is authorized by the district to provide physical or mental health-related services to provide the services to a student, subject to any required parental consent; or

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

3. Prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a district campus.

Education Code 28.0043

Political Activism
and Advocacy
Participation

A district or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

1. Work for, affiliation with, or service learning in association with any organization engaged in:
 - a. Lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or
 - b. Social policy advocacy or public policy advocacy;
2. Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
3. Participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

Education Code 28.0022(a)(3)

The above provisions do not apply to a student's participation in:

1. Community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects;
2. An internship or practicum:
 - a. For which the student receives course credit under a career and technology education program or under the P-TECH program established under Education Code 29.553; and
 - b. That does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or
3. A program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy.

Education Code 28.0022(b)

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

Concepts Prohibited A teacher, administrator, or other employee of a district may not require or make part of a course inculcation in the concept that:

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
4. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
6. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
7. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
8. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a district may not teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed above.

A teacher, administrator, or other employee of a district may not require an understanding of The 1619 Project.

Education Code 28.0022(a)(4)

*Student
Discussion*

A district may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described above in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity. *Education Code 28.0022(d)*

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

Employee or
Contractor
Discipline Policy

A district shall adopt a policy and procedure for the appropriate discipline, including termination, or a district employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor. *Education Code 28.0022(h)*

Limitations on
Statute

Education Code 28.0022 may not be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Education Code Chapter 28, Subchapter A.

Education Code 28.0022 does not create a private cause of action against a teacher, administrator, or other employee of a district.

Education Code 28.0022 may not be construed as prohibiting a teacher employed by a district from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

Education Code 28.0022(e)-(g)

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LOCAL)

The District shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

Selection of Topics

A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias. In addition, the teacher shall be certain that:

1. The issue in question is within the range, knowledge, maturity, and comprehension of the students.
2. The issue is current and educationally significant.
3. The consideration of the issue does not interfere with required instruction.
4. Sufficient relevant information on all aspects of the issue is provided.

If a teacher is unsure about a topic of discussion or about the methods to employ, the teacher may discuss the issue with the principal.

**Classroom
Discussion**

In guiding classroom discussion of controversial issues, teachers shall:

1. Foster students' critical thinking skills.
2. Encourage discussion based on rational analysis.
3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.

**Student or Parent
Concerns**

A student or parent with concerns regarding instruction about controversial issues shall be directed to the complaint policy at FNG.

RELATIONS WITH PARENT ORGANIZATIONS

GE
(LOCAL)

District-affiliated school-support organizations and booster organizations, and other parent groups, shall organize, fundraise or solicit donations, and function in a way that is consistent with the District's philosophy and objectives, Board policies, District administrative regulations, applicable UIL or other governing association guidelines, and financial and audit regulations. [See also CDC and CFC]

Before engaging in fundraising or soliciting gifts, an organization or group shall notify the principal or other appropriate administrator identified in administrative regulations. [See CDC(LOCAL) for District acceptance of gifts and solicitations]

**Use of District
Facilities**

District-affiliated school-support or booster organizations may use District facilities with prior approval of the appropriate administrator. Other parent groups may use District facilities in accordance with policy GKD.

**Standards for
Interaction with
Students and Use of
Facilities**

Parent organizations, including parent-teacher associations, booster clubs, and similar groups, when operating on District property or at District-sponsored events, shall comply with all Board policies governing conduct, communication, and use of facilities.

Such organizations shall not use access to students, instructional spaces, or school-sponsored platforms to promote personal political, religious, or ideological viewpoints that are not directly related to an approved educational purpose.

All materials, displays, and communications directed toward students shall support the educational mission of the District and the intended purpose of the activity and shall comply with applicable Board policy, including EMB(LOCAL) and FNA(LEGAL), as appropriate.

The Superintendent or designee shall have authority to regulate such activities and require modification or removal of materials or communications that do not align with these standards.

Employee Handbook Section Updates

Prohibition on Diversity, Equity, and Inclusion

Policies [DF](#), [DH](#)

Except as required by state or federal law, district employees are prohibited from engaging in diversity, equity, and inclusion activities, including assigning diversity, equity, and inclusion duties to any person. Any employee who intentionally or knowingly engages in or assigns diversity, equity, and inclusion duties to another person will be subject to appropriate discipline, including termination of employment.



Employee Handbook Section Updates

Prohibited Classroom Instruction

Policies [DF](#), [DH](#)

District employees are prohibited from engaging in an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). Any district employee intentionally or knowingly engaging in or assigning to another individual activities related to controversial topics described in Education Code 28.0022 is subject to disciplinary action, including termination of employment.



2026-2027

Instructional Guidance

SPRING BRANCH ISD



Every Child

Collective Greatness

Collaborative Spirit

Limitless Curiosity

Moral Compass

5 Policy Highlights on Instructional Guidance

1. EFA - Instructional Resources: Instructional Materials
2. EMB - Miscellaneous Instructional Policies: Teaching About Controversial Issues
3. EFB - Instructional Resources: Library Materials
4. EEP - Disclosure of Instructional Plan
5. CQC - Technology Resources/Equipment

Board policy and regulations can be found on the district's website.

1. EFA - Instructional Resources: Instructional Materials

Policy EFA provides guidance regarding classroom instructional materials. Instructional materials include textbooks, supplementary resources for classroom use, and any other instructional resources, including electronic resources.

- A. All staff are expected to utilize district-provided instructional materials.
- B. In the event that a supplemental resource is needed, administrator approval is required and planning must occur in collaborative teams through the PLC process.
- C. Parents/guardians shall be provided notice of required reading for middle & high school courses.
- D. Teachers must read all books on book club choice lists in their entirety to ensure adherence to policy selection criteria and then obtain parent permission for each student's choice of book.
- E. Teachers are not required to provide students with summer reading book lists. If a collaborative team decides to do so, each step listed in EFA (LOCAL) must be followed.

2. EMB - Teaching About Controversial Issues

Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias.

The teacher shall be certain that:

- The issue in question is within the range, knowledge, maturity, and comprehension of the students.
- The issue is current and educationally significant.
- The consideration of the issue does not interfere with required instruction.
- Sufficient relevant information on all aspects of the issue is provided.

If a teacher is unsure about a topic of discussion or about the methods to employ, the teacher is encouraged discuss the issue with the principal and fully review policy EMB for guidance.

3. EFB - Instructional Resources: Library Materials

Policy EFB provides guidance regarding library materials.

All books in the classroom library must also meet the selection criteria outlined in EFB(LOCAL).

- Materials shall not include anything harmful, obscene, or sexually explicit.
- Materials may not be pervasively vulgar.
- Materials may not include items that adopt, support, or promote gender fluidity.
- In elementary and middle school classrooms, no instructional materials shall contain visual, visually implied, explicit, non-explicit and/or written descriptions of sexual acts or simulations of such acts and shall not include nudity .

Books that do not meet the criteria shall not be made available to students.

4. EEP - Disclosure of Instructional Plan / Syllabus

Policy EEP requires the following: *Prior to the beginning of each semester, each teacher shall provide a copy of the teacher's instructional plan or course syllabus for each class to the district administration and parents.*

The following procedures will fulfill the instructional plan/ syllabus requirement:

- The District website will share how parents can view information in Canvas. Campuses are also encouraged to share this information with families.
- Parents access instructional plans in the *Canvas Curriculum for Parents* course.

For courses with district-created instructional plans, teachers will access and use the district-created *Year-at-a-Glance Instructional Plans* on the district-provided Canvas content pages.

For courses that do not provide district-created instructional plans, teachers will create a *Year-at-a-Glance Instructional Plan* that is aligned to course standards, approved by the campus principal, and posted to the teacher's Canvas courses so that parents can view.



4. EEP - Disclosure of Instructional Plan / Syllabus

Policy EEP requires the following: *Prior to the beginning of each semester, each teacher shall provide a copy of the teacher's instructional plan or course syllabus for each class to the district administration and parents.*

The following procedures will fulfill the instructional plan/ syllabus requirement:

For courses with district-created instructional plans, teachers will:

- Access and use the district-created *Year-at-a-Glance Instructional Plans* on the district-provided Canvas content pages; and
- Copy the *Year-at-a-Glance Instructional Plans* to the teacher's course.

For courses that do not provide district-created instructional plans, teachers will:

- Create a *Year-at-a-Glance Instructional Plan/Syllabus* that is aligned to course standards and approved by the campus principal;
- Post the *Year-at-a-Glance Instructional Plan/Syllabus* to the teacher's course; and
- Share their *Year-at-a-Glance Instructional Plan/Syllabus* digitally with district content administration per department communication.

5. CQC - Technology Resources/Equipment

- Effective integration of digital devices in schools are developed with TEA and the Health and Human Services Commission.
- The *human element of teaching and learning is central* to the District's instructional program.
- Meaningful instruction is grounded in-
 - the professional judgment, interaction, and expertise of educators, and
 - technology serving as a *support to, not a substitute for* high-quality, teacher-led instruction.
- A student's use of technology shall be:
 - intentionally integrated with the District's instructional program and curriculum,
 - intentionally related to student learning, and
 - shall *only be used to enhance or supplement* core curriculum resources.
- Screen time and technology exposure *shall be limited as academically appropriate* during the instructional day.

Closing Reminders

- District curriculum and resources are to be utilized.
- Advanced planning in PLCs will support instructional clarity and ensure that all materials comply with Board policies.
- No materials should be made available to students that violate EFA (Local), EMB (Local), or EFB (Local).
- When there is a question about a resource, please consult with your administrator.
- Remember: Utilize the 3 Ps planning for instruction.

Purpose, Preplan, and Protocols

Use the 3 Ps (Purpose, Preplan, and Protocols) when considering the alignment and appropriateness of supplemental materials.

Define the **PURPOSE** by identifying:

- How will this resource be used with the SBISD curriculum?
- Which standard(s) does this resource support that are aligned to the *Year-at-a-Glance Instructional Plan* and/or course syllabus?
- How will this supplemental resource be embedded into the existing curriculum to enhance instruction?



Purpose, Preplan, and Use Protocols

PREPLAN by:

- Reading or listening to the resource in its entirety.
- Determining if it is aligned to Board policy.
- Utilizing the expertise of your Professional Learning Community (PLC) to integrate the resource within the existing curriculum before implementing with students.
- Anticipating student misconceptions.
- Consulting your campus leaders for approval.



Purpose, Preplan, and Protocols



PROTOCOLS

- Support facilitation of respectful classroom discussions.
- Ensure all viewpoints of an issue are presented while remembering to stay impartial to the topics.
- Establish norms with students to ensure mutual respect.
- Can be found at <https://www.schoolreforminitiative.org/protocols/>

Classroom Materials Confirmation Form

Reminder:

- Teachers must complete EFA Exhibit C (Classroom Materials Confirmation Form) prior to the start of school each year.



Every Child

Collective Greatness

Collaborative Spirit

Limitless Curiosity

Moral Compass

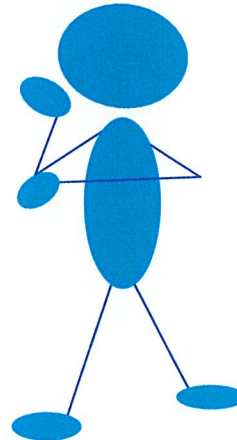


Instructional Guidance

- EMB (Local)
- Senate Bill 3

Instructional Guidance

The purpose of this Safe Schools course is to review Board policy EMB (Local), Senate Bill 3, and consider general instructional guidance best practices.



Board Policy is located on the district website.

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[ABOUT](#) > [BOARD OF TRUSTEES](#) > [POLICY & REGULATIONS](#)

Board Goals

District of Innovation (DOI)

Meetings

Policy & Regulations

Administrative Regulations & Exhibits

Board Policy Manual

Board Briefs

Board Liaisons

Board Operating Procedures

Board Representatives

Board Updates

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Elections

Contact

POLICY & REGULATIONS

Board Policy serves as the governance foundation for District activities and provides the legal requirements and local Board mandates for each of the major areas of District operations. Administrative Regulations ensure everyone is aware of the rules, guidelines, and procedures under which the district operates and provide a level of consistency across campuses and departments. Policy is adopted by the Board of Trustees, whereas administrative regulations are the responsibility of the administrative staff.

- [Board Policy Manual](#)
- [Administrative Regulations and Exhibits](#)

Policies Under Consideration by the Board

There are no policies under consideration at this time.

Board Policy: EMB (Local)

Board Policy: EMB (Local)

A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias.

In addition, the teacher shall be certain that:

- The issue in question is within the range, knowledge, maturity, and comprehension of the students.
- The issue is current and educationally significant.
- The consideration of the issue does not interfere with required instruction.
- Sufficient relevant information on all aspects of the issue is provided.

Board Policy: EMB (Local)

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In guiding classroom discussion of controversial issues, teachers shall:

- Foster students' critical thinking skills.
- Encourage discussion based on rational analysis.
- Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
- Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
- Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.

Board Policy: EMB (Local)

Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

Senate Bill 3 (Formerly House Bill 3979)

Passed by the Texas Legislature in 2021

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

- A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.
 - A teacher who chooses to discuss a topic described shall explore that topic objectively and in a manner free from political bias.
- A teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's work for, affiliation with, or service learning in association with any organization engaged in lobbying for legislation at the federal, state, or local level.
 - This includes grades for policy advocacy, political activism, or participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

No staff should make any of the following concepts part of any course:

- One race or sex is inherently superior to another race or sex

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

No staff should make any of the following concepts part of any course:

- An individual, by virtue of their race or sex, is inherently racist, sexist, or oppressive consciously or unconsciously

Senate Bill 3 (Formerly HB 3979)

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No staff should make any of the following concepts part of any course:

- An individual should be discriminated against or receive adverse treatment because of the individual's race or sex

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

No staff should make any of the following concepts part of any course:

- An individual's moral character, standing or worth is necessarily determined by the individual's race or sex

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No staff should make any of the following concepts part of any course:

- An individual, by virtue of the individual's race or sex, bears responsibility, blame or guilt for actions committed by other members of the same race or sex

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

No staff should make any of the following concepts part of any course:

- Meritocracy or traits such as hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

No staff should make any of the following concepts part of any course:

- The advent of slavery in the territory that is now the United States constituted its true founding

Senate Bill 3 (Formerly HB 3979)

Passed by the Texas Legislature in 2021

No staff should make any of the following concepts part of any course:

- With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failure to live up to the authentic grounding principles of the U.S. which include liberty and equality

You can read more about Senate Bill 3 by visiting the TEA website.

The screenshot shows the Texas Education Agency (TEA) website. The header includes the TEA logo, a search bar, and navigation links: A-Z Index, Contact, Employment, Sign Up for Updates, and TEA Correspondence. Below the header is a row of icons for About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. The main content area features a blue banner with the title "Senate Bill 3, 87th Texas Legislature, Second Called Session - Update to Instructional Requirements and Prohibitions". Below the banner is a table with the following information:

Date:	November 18, 2021
Subject:	Senate Bill 3, 87th Texas Legislature, Second Called Session- Update to Instructional Requirements and Prohibitions
Category:	87th Texas Legislature, 2nd Called Session Implementation
Next Steps:	Share with appropriate staff

Below the table is a paragraph of text: "The 87th Texas Legislature, Second Called Session (87(2)), enacted Senate Bill (SB) 3, SB 3 (87(2)), effective December 2, 2021, updates various instructional requirements and prohibitions enacted by House Bill (HB) 3979 during the Regular Session of the 87th Legislature (87(R)). This letter provides highlights of SB 3 (87(2)) and notes where relevant changes occurred from HB 3979 (87(R)) that impact instructional requirements for school districts and open-enrollment charter schools. These highlights should not replace consultation with local counsel and other appropriate staff in implementing these legislative enactments."

At the bottom of the page is a red line followed by the text "Highlights of Senate Bill 3".

If you have further questions, please reach out to your principal.

Instructional Guidance



Instructional Guidance: The 3 P's

The 3 P's

Pre-Plan – Advanced planning in Collaborative Teams/PLCs will help ensure instructional clarity when teaching difficult issues or topics.

Use Protocols – Protocols give structure to conversations and help set guidelines for respectful discussions.



Pre-Plan and Use Protocols

The 3 P's

- Utilize the expertise of your Professional Learning Community (PLC) or Collaborative Team to carefully pre-plan lessons and select resources together before implementing with students.
- Focus on teaching the required standards (TEKS) for your course, utilizing district curriculum for planning.
- Notify your immediate supervisor prior to leading any classroom discussion regarding a topic that may be controversial or a topic addressed under Senate Bill 3.

Pre-Plan and Use Protocols

The 3 P's

- Utilize protocols for facilitating respectful classroom discussions.
- Ensure that all viewpoints of an issue are presented while remembering to stay impartial to the topics.
- What are the “ground rules” for students to ensure mutual respect?

Check For Understanding: Instructional Guidance

- | | |
|---------------------------|---|
| (1) True or False? | Teachers should not use the classroom to transmit personal beliefs regarding political issues. |
| (2) True or False? | All lessons and accompanying instructional resources should be carefully planned in advance, with a collaborative team, and should align with Board policy. |
| (3) True or False? | Protocols give structure to conversations and help set guidelines for respectful classroom discussions. |
| (4) True or False? | Lessons should be centered around the state standards and informed by the District curriculum resources. |

Additional note:

The information presented in this course is subject to change as a result of legislative sessions and policy updates.

If you have questions, please contact your campus administrator or immediate supervisor.

**STATE CERTIFICATIONS CONTRACT ADDENDUM
BETWEEN SPRING BRANCH INDEPENDENT
SCHOOL DISTRICT AND**

This State Certifications Contract addendum ("Contract Addendum"), effective on the date of the last signature displayed below, is hereby incorporated and made a part of the Contract between Spring Branch Independent School District ("Spring Branch ISD") and

_____ ("Contractor"), attached hereto.

In consideration of the mutual covenants and conditions contained in this Contract Addendum and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, SBISD and Contractor, intending to be legally bound, and subject to the terms, conditions, and provisions of this Contract Addendum, agree as follows:

Certification Regarding No Diversity, Equity, and Inclusion Duties

For purposes of this certification, "diversity, equity, and inclusion duties" means (1) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws; (2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity; (3) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except: (A) for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts; or (B) as necessary to comply with state or federal law; and (4) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement." TEX. EDUC. CODE § 11.005(a). In accordance with Texas Education Code § 11.005, Contractor hereby certifies that it does not and will not engage in diversity, equity, and inclusion duties at, for, or on behalf of Spring Branch ISD. Contractor acknowledges that if Contractor engages in DEI duties, the Contractor's Agreement with Spring Branch ISD is subject to termination; any appeal of any termination shall be governed by Spring Branch ISD Policy GF (Local).

_____ Initials of Authorized Representative of Contractor

Certification Regarding Contractor's Conflict of Interest

For purposes of this certification, "Contractor" means "a company, individual, contractor, subcontractor, or professional services provider with whom a school district enters into an agreement, contract, memorandum of understanding, interlocal agreement, fee schedule, retainer, or similar instrument for goods or services." TEX. EDUC. CODE § 11.067(a). Contractor acknowledges that it commits a criminal offense if Contractor bids on or receives a contract from Spring Branch ISD if any individual serving on Spring Branch ISD's Board of Trustees (1) has a substantial interest in the Contractor or a subcontractor hired by the Vendor (meaning the trustee owns more than 10% of the voting interest in the Contractor or has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10% of the profits, proceeds, or capital gains of the Contractor); (2) is related in the second degree by consanguinity or affinity to an individual who has a substantial interest in the Contractor; or (3) has received or has been promised a gift or in-kind services with a value of more than \$250.

_____ Initials of Authorized Representative of Contractor

Certification Regarding Terrorist Organizations

Contractor hereby certifies that it is not a company identified on the Texas Comptroller's list of companies known to have contracts with, or provide supplies or services to, a foreign organization designated as a Foreign Terrorist Organization by the U.S. Secretary of State.

_____ Initials of Authorized Representative of Contractor

Certification Regarding Boycotting of Israel

If (a) Contractor is not a sole proprietorship; (b) Contractor has ten (10) or more full-time employees; and (c) this Agreement has a value of \$100,000 or more, the following certification shall apply; otherwise, this certification is not required. Pursuant to Chapter 2271 of the Texas Government Code, the Contractor hereby certifies and verifies that neither the Contractor, nor any affiliate, subsidiary, or parent company of the Contractor, if any (the "Contractor Companies"), boycotts Israel, and the Contractor agrees that the Contractor and Contractor Companies will not boycott Israel during the term of this Agreement. For purposes of this Agreement, the term "boycott" shall mean and include refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory but does not include an action made for ordinary business purposes.

_____ Initials of Authorized Representative of Contractor, if applicable

Certification Regarding Contracting Information

If Contractor is not a governmental body and (a) this Agreement has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by Spring Branch ISD; or (b) this Agreement results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by Spring Branch ISD in a fiscal year of Spring Branch ISD, the following certification shall apply; otherwise, this certification is not required. As required by TEX. GOV'T CODE § 552.374(b), the following statement is included in the RFP and the Agreement (unless the Agreement is (1) related to the purchase or underwriting of a public security; (2) is or may be used as collateral on a loan; or (3) proceeds from which are used to pay debt service of a public security of loan): "The requirements of Subchapter J, Chapter 552, Government Code, may apply to this RFP and Agreement and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter." Pursuant to Subchapter J, Chapter 552, Texas Government Code, the Contractor hereby certifies and agrees to (1) preserve all contracting information related to this Agreement as provided by the records retention requirements applicable to Spring Branch ISD for the duration of the Agreement; (2) promptly provide to Spring Branch ISD any contracting information related to the Agreement that is in the custody or possession of the Contractor on request of Spring Branch ISD; and (3) on completion of the Agreement, either (a) provide at no cost to Spring Branch ISD all contracting information related to the Agreement that is in the custody or possession of Spring Branch ISD, or (b) preserve the contracting information related to the Agreement as provided by the records retention requirements applicable to Spring Branch ISD.

_____ Initials of Authorized Representative of Contractor, if applicable

Certification Regarding Boycotting Certain Energy Companies

If (a) Contractor is not a sole proprietorship; (b) Contractor has ten (10) or more full-time employees; and (c) this Agreement has a value of \$100,000 or more that is to be paid wholly or partly from public funds, the following certification shall apply; otherwise, this certification is not required. Pursuant to TEX. GOV'T CODE Ch. 2274 of SB 13 (87th session), Contractor hereby certifies and verifies that Contractor, or any wholly owned subsidiary, majority- owned subsidiary, parent company, or affiliate of these entities or business associations, if any, does not boycott energy companies and will not boycott energy companies during the term of the Agreement. For purposes of this Agreement, the term "company" shall mean an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, that exists to make a profit. The term "boycott energy company" shall mean "without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (a) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law, or (b) does

business with a company described by paragraph (a).” See TEX. GOV’T CODE § 809.001(1).

_____ Initials of Authorized Representative of Contractor, if applicable

Certification Prohibiting Discrimination Against Firearm and Ammunition Industries

If (a) Contractor is not a sole proprietorship; (b) Contractor has at least ten (10) full-time employees; (c) this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds; (d) the Agreement is not excepted under TEX. GOV’T CODE § 2274.003 of SB 19 (87th leg.); and (e) Spring Branch ISD has determined that Contractor is not a sole-source provider or Spring Branch ISD has not received any bids from a company that is able to provide this written verification, the following certification shall apply; otherwise, this certification is not required. Pursuant to TEX. GOV’T CODE Ch. 2274 of SB 19 (87th session), Contractor hereby certifies and verifies that Contractor, or association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary parent company, or affiliate of these entities or associations, that exists to make a profit, does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this contract against a firearm entity or firearm trade association. For purposes of this Agreement, “discriminate against a firearm entity or firearm trade association” shall mean, with respect to the entity or association, to: “(1) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (2) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (3) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.” See TEX. GOV’T CODE § 2274.001(3) of SB 19. “Discrimination against a firearm entity or firearm trade association” does not include: “(1) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (2) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association.” See TEX. GOV’T CODE § 2274.001(3) of SB 19.

_____ Initials of Authorized Representative of Contractor, if applicable

Certification Regarding Certain Foreign-Owned Companies in Connection with Critical Infrastructure

Spring Branch ISD is prohibited from entering into a contract or other agreement relating to critical infrastructure that would grant to Contractor direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by Spring Branch ISD for product warranty and support purposes. Contractor certifies that neither it nor its parent company nor any affiliate of Contractor or its parent company, is (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; (2) a company or other entity, including governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or (3) headquartered in China, Iran, North Korea, Russia, or a designated country. For purposes of this Agreement, “critical infrastructure” means “a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.” See TEX. GOV’T CODE § 2275.0101(2) of SB 2116 (87th leg.). Contractor verifies and certifies that Contractor will not grant direct or remote access to or control of critical infrastructure, except for product warranty and support purposes, to prohibited individuals, companies, or entities, including governmental entities, owned, controlled, or headquartered in China, Iran, North Korea, Russia, or a designated country, as determined by the Governor.

_____ Initials of Authorized Representative of Contractor, if applicable

In the event of a conflict between the terms of this Contract Addendum and the terms within other provisions of the Agreement, the terms of this Contract Addendum shall control.

Contract #:

Contract Title:

Contract Term:

CONTRACTOR

Signature: _____

By: _____
Print Name

Date: _____

Taxpayer Identification Number