

Localized Policy Manual

Update 87

Coppell ISD

Update 87 represents the second of two post-legislative updates and encompasses changes in law from the 81st Legislative Session. Update 87 includes new codes on accountability, required Web postings, safety and security, and interlocal cooperation contracts. The update also addresses a variety of other topics, including tax rates and bonds, financial solvency reviews, salary reduction agreements for investment products, use of district funds for property owned by or under control of an institution of higher education, required reports that districts must publish, employee resignations, drug-free workplace requirements, retention of staff at a repurposed campus, and elective courses on the Bible.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 87 packet contains:

- **INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES** . . . summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

Vantage Points—A Board Member's Guide to Update 87 may be found in the separately wrapped package accompanying this packet. ***Vantage Points*** offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 87 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this Update, please call your policy consultant, Amy Kadlecsek, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 87 . . .

- Board action on Localized Update 87 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 87, affecting (LOCAL) policies (see attached list).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 87, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 87 is as follows:
“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 87 [with the following changes:]”
- The board’s action on Localized Update 87 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the **Policy Administrator’s Guide** at http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. If the district uses Policy On Line, you will need to notify us of the board’s action on Update 87 so that your district’s Localized Policy Manual as it appears on TASB’s Web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), fax (512-467-3618, using the tan form enclosed), e-mail (pol-support@tasb.org), or Internet feedback form (<http://www.tasb.org/policy/pol/private/polfdbk.html>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 87 policy changes should be inspected and revised by the district as needed.

PLEASE NOTE: This Localized Update packet and the Update 87 *Vantage Points* may not be considered as legal advice and are not intended as a substitute for the advice of the board’s own legal counsel.

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Instruction Sheet

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District Coppell ISD

Code		Action To Be Taken	Note
A	(LEGAL)	Replace table of contents	Revised table of contents
AIA	(LEGAL)	ADD policy	See explanatory note
AIB	(LEGAL)	ADD policy	See explanatory note
AIC	(LEGAL)	ADD policy	See explanatory note
AID	(LEGAL)	ADD policy	See explanatory note
B	(LEGAL)	Replace table of contents	Revised table of contents
BBFA	(LEGAL)	Replace policy	Revised policy
BBFB	(LEGAL)	Replace policy	Revised policy
BF	(LEGAL)	Replace policy	Revised policy
BJA	(LEGAL)	Replace policy	Revised policy
BJCD	(LEGAL)	Replace policy	Revised policy
BJCD	(EXHIBIT)	Replace exhibit	Revised exhibit
BQ	(LEGAL)	Replace policy	Revised policy
BQA	(LEGAL)	Replace policy	Revised policy
BQB	(LEGAL)	Replace policy	Revised policy
BR	(LEGAL)	Replace policy	Revised policy
BRB	(LEGAL)	ADD policy	See explanatory note
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CCH	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CFEA	(LEGAL)	Replace policy	Revised policy
CH	(LOCAL)	No policy enclosed	See explanatory note
CK	(LEGAL)	ADD policy	See explanatory note
CKC	(LEGAL)	Replace policy	Revised policy
CNB	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
CRG	(LEGAL)	Replace policy	Revised policy
CX	(LEGAL)	ADD policy	See explanatory note
DFBB	(LOCAL)	Replace policy	Revised policy

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DFE	(LEGAL)	Replace policy	Revised policy
DFE	(LOCAL)	Replace policy	Revised policy
DH	(LEGAL)	Replace policy	Revised policy
DI	(LOCAL)	Replace policy	Revised policy
DI	(EXHIBIT)	Replace exhibit	Revised exhibit
DNB	(LEGAL)	Replace policy	Revised policy
EEL	(LEGAL)	Replace policy	Revised policy
EHAD	(LEGAL)	Replace policy	Revised policy
EHB	(LEGAL)	Replace policy	Revised policy
EHBD	(LEGAL)	Replace policy	Revised policy
EHDE	(LEGAL)	Replace policy	Revised policy
EKD	(LEGAL)	Replace policy	Revised policy
EMI	(LEGAL)	Replace policy	Revised policy
FB	(LOCAL)	Replace policy	Revised policy
FDA	(LEGAL)	Replace policy	Revised policy
FDB	(LEGAL)	Replace policy	Revised policy
FFAC	(LOCAL)	No policy enclosed	See explanatory note
FFAF	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FFH	(LOCAL)	Replace policy	Revised policy
FNCC	(LEGAL)	Replace policy	Revised policy
FNCF	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
G	(LEGAL)	Replace table of contents	Revised table of contents
GNB	(LEGAL)	Replace policy	Revised policy
GND	(LEGAL)	DELETE policy	See explanatory note
GR	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy
GRA	(EXHIBIT)	Replace exhibit	Revised exhibit
GRB	(LEGAL)	ADD policy	See explanatory note
GRC	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

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A (LEGAL) BASIC DISTRICT FOUNDATIONS

We have revised the A section table of contents to add new codes on Accountability, including AIA, Accreditation and Performance Indicators; AIB, Performance Reporting; AIC, Investigations and Sanctions; and AID, Federal Accountability Standards.

AIA (LEGAL) ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

Much of the content of this new policy on accreditation and performance indicators was revised by HB 3 and moved from GND(LEGAL). Citations have been updated throughout. Substantive changes are as follows:

- At ACCREDITATION, we added an existing statutory provision explaining that a district that is not accredited may not receive funds from TEA or hold itself out as a public school.
- A new provision was added at ACCREDITATION CRITERIA explaining that a district's accreditation status may be lowered based on the performance of a campus.
- Throughout the policy, references to "academic excellence indicators" have been replaced with "STUDENT ACHIEVEMENT INDICATORS," which include the results of assessments that are retaken by students in addition to indicators previously in law. Other factors previously listed as academic excellence indicators have been moved to the list of QUALITY OF LEARNING INDICATORS beginning on page 2.
- The Commissioner, rather than the State Board of Education, will assign each district and campus a PERFORMANCE RATING of acceptable or unacceptable performance. Ratings no longer include exemplary, recognized, academically acceptable, or academically unacceptable. Ratings are based on evaluation of state standards and student achievement indicators. The Commissioner may assign an acceptable performance rating if the campus or district meets 85 percent of the student achievement indicators and does not fail the same measure for two consecutive school years.
- The Commissioner is also responsible for awarding districts and campuses ACADEMIC EXCELLENCE DISTINCTION DESIGNATIONS of exemplary or recognized. The criteria for CAMPUS DESIGNATIONS are listed in the policy. HB 3 deleted gold performance ratings from statute.

AIB (LEGAL) ACCOUNTABILITY
PERFORMANCE REPORTING

In this new policy, material at DISTRICT PERFORMANCE REPORT and CAMPUS PERFORMANCE REPORT has been moved from BR(LEGAL) and revised as a result of HB 3. The annual district performance report was previously referred to as the Academic Excellence Indicator System (AEIS) report and contains the same information as the AEIS report did. As under previous law, a district must hold a PUBLIC HEARING to discuss the annual report and provide WEB SITE NOTICES of the report.

A new provision from HB 3 requires districts to provide, in a written NOTICE TO PARENTS, annual improvement in student performance as reported by TEA. For parents of students who failed a state assessment, the written notice must include information relating to online educational resources and assessment information.

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Another new provision from HB 3 at NOTICE TO TEACHERS AND STUDENTS requires districts to provide reports on student performance to teachers and students. The report given to each teacher will indicate performance for all students who took a state assessment, including incoming students. The report given to students will indicate how the teacher's previous students performed on state assessments.

AIC (LEGAL) ACCOUNTABILITY INVESTIGATIONS AND SANCTIONS

The provisions in this new policy addressing ON-SITE INVESTIGATIONS and SPECIAL ACCREDITATION INVESTIGATIONS were previously at GND(LEGAL). Additional detail from existing statute has been added regarding the process for conducting an on-site investigation. New reasons from HB 3 for which the Commissioner will authorize a special accreditation investigation are:

- A pattern of decreased academic performance resulting from promotion of students who did not pass state assessments;
- Excessive numbers of graduates under the minimum high school program;
- Excessive numbers of students who fail to complete Algebra II or other courses in the recommended high school program; and
- Resource allocations showing a potential for significant improvement.

The remaining provisions addressing INTERVENTIONS AND SANCTIONS were not previously included in the policy manual. These provisions address the sanctions available to the Commissioner when a district or campus fails to satisfy performance standards. Major revisions from HB 3 include the following:

- A campus that met satisfactory performance for the current year but that is projected not to meet that standard for the following year does not have to be assigned a campus intervention team (CIT). Rather, the campus-level decision-making and planning committee must revise the relevant portions of the campus improvement plan and submit it to TEA. See CAMPUS-LEVEL, beginning on page 4.
- Also at CAMPUS-LEVEL, for a campus that receives an unacceptable performance rating, the Commissioner may order a hearing at TEA or assemble a school community partnership team and will assign a CIT to prepare a targeted improvement plan. The school board must conduct a hearing, post the plan on the Web site, and submit the plan to the Commissioner.
- In a reconstituted campus, the CIT may choose to retain a principal if the CIT decides retention would be more beneficial than removal. See RETENTION OF STAFF on page 6.
- If reconstitution is unsuccessful, the Commissioner may order REPURPOSING of the campus. The district must then develop a comprehensive plan that the Commissioner must approve. Unless the Commissioner grants exceptions, the plan must allow for student transfers to another campus and may not permit the principal or teachers to be retained at the campus.
- For-profit entities may be considered to assume management of the campus if the Commissioner orders ALTERNATIVE MANAGEMENT and no non-profit responds to the request for proposal.
- The Commissioner is prohibited from requiring that the name of a campus be changed as part of a sanction. See NO NAME CHANGE on page 7.

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AID (LEGAL) ACCOUNTABILITY FEDERAL ACCOUNTABILITY STANDARDS

Provisions from the No Child Left Behind Act addressing accountability and other requirements applicable to Title I, Part A schools have been moved to this new code from EHBD(LEGAL). Text throughout the policy has been revised for clarity and to better match statutory language, and provisions have been reordered for better flow. The policy is divided into three main sections addressing the district plan, campus-level interventions and sanctions, and district-level interventions and sanctions.

At DISTRICT PLAN, we have added existing statutory text requiring a district to adopt a plan approved by TEA before receiving funds under Title I, Part A and have added an existing provision on TRANSFER OF DISCIPLINARY RECORDS.

Significant revisions to the text addressing CAMPUS-LEVEL INTERVENTIONS AND SANCTIONS include:

- Addition of existing statutory text describing the consequences for failure to make adequate yearly progress (AYP).
- At PRE-IDENTIFICATION REVIEW on page 2, addition of existing statutory text explaining the process a district must follow before identifying a school for improvement, corrective action, or restructuring.
- Deletion of the definition of “academic assessments,” since this term is now commonly understood, and addition of the existing statutory definition of “SUPPLEMENTAL SERVICES” beginning on page 3. Also at this margin note, removal of provisions regarding TEA's obligations in response to a district's request for a waiver from TEA regarding supplemental educational services.
- Addition of existing statutory text regarding a student's OPTION TO TRANSFER if assigned to a school that fails to make AYP for two consecutive years. See page 4.
- Replacement of the list of TECHNICAL ASSISTANCE services that a district must provide to a school in need of improvement with a reference to the relevant statute.
- At FAILURE TO MAKE AYP FOR FOUR YEARS on page 5, deletion of the definition of “corrective action” and the paragraph addressing notice of corrective action, since both concepts are already included in the list of corrective actions a district must take if a school fails to make AYP by the end of the second year after being identified for improvement.

We have also made revisions to the text addressing DISTRICT-LEVEL INTERVENTIONS AND SANCTIONS. We have added existing statutory provisions addressing:

- The process TEA must follow before identifying a district for improvement or corrective action at PRE-IDENTIFICATION REVIEW;
- The district's obligation to develop a DISTRICT PLAN addressing improvement;
- Possible corrective action TEA may take with respect to a district that has been identified for improvement (see IDENTIFICATION FOR CORRECTIVE ACTION); and
- TEA's obligations to provide notice and a HEARING to the district before implementing corrective action and to provide NOTICE TO PARENTS about corrective actions taken.

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B (LEGAL) LOCAL GOVERNANCE

We have revised the B section table of contents to add the new code BRB, on Web Site Postings.

BBFA (LEGAL) ETHICS CONFLICT OF INTEREST DISCLOSURES

We have revised the provision at ANNUAL FINANCIAL MANAGEMENT REPORT on page 5 to eliminate the reference to the Commissioner's duties and to delete the reference to the superintendent, since this code addresses board member conflict of interest disclosures and includes only a summary of the financial management report provisions. Additional detail regarding the report is at CFA, which also addresses the superintendent's duties.

We have also updated the citation at this section, as a result of HB 3, and the cross-reference, since annual financial management report provisions have moved from BR(LEGAL) to CFA(LEGAL).

BBFB (LEGAL) ETHICS PROHIBITED PRACTICES

The existing statute making the receipt of commissions, rebates, gifts, services, or favors related to textbook purchases a criminal offense has been expanded by HB 4294, effective June 19, 2009, to apply to electronic textbooks, instructional materials, and technological equipment. See items 9 and 10 on page 5.

BF (LEGAL) BOARD POLICIES

At DURATION, we have added an existing statutory provision addressing continuation of a waiver beyond the initial three-year term.

Item 2 at RESTRICTIONS was revised by HB 3. Districts may not receive a waiver relating to essential knowledge or skills, or "high school" graduation requirements. Previously this item referred to "minimum" graduation requirements. To better reflect statutory language, we have also revised item 4 to refer to UIL activities: districts may not receive a waiver relating to extracurricular activities or participation in a UIL area, regional, or state competition.

Text throughout this policy has been updated to better match statutory language.

BJA (LEGAL) SUPERINTENDENT QUALIFICATIONS AND DUTIES

At QUALIFICATIONS, we have substituted language from Education Code 21.003 for language from 21.046, which related to obtaining superintendent certification. The new language clarifies that a person may not be employed as a superintendent unless the person holds an appropriate certificate or permit.

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We have made the list of DUTIES more structurally consistent by deleting the statutory citations from several duties in the list and adding cross-references to other codes that include additional detail. Changes at item 9 are a result of HB 3. The reference to “academic excellence indicators” was changed to “student achievement and quality of learning indicators.” The reference to the State Board of Education has been replaced with a reference to the Commissioner.

Text throughout this policy has been updated to better match statutory language.

BJCD (LEGAL) SUPERINTENDENT EVALUATION

As a result of HB 3, we updated the citation at ANNUAL PERFORMANCE REPORT. The provision specifying the penalty for not evaluating the superintendent annually has been moved below APPRAISAL PROCESS for better flow.

We have also added an existing statutory provision making a document evaluating the performance of a superintendent confidential.

BJCD (EXHIBIT) SUPERINTENDENT EVALUATION

As a result of HB 3, we have modified item 9 in the list of domains and descriptors that may be used to evaluate a superintendent: “academic excellence indicators” was changed to “student achievement indicators.”

BQ (LEGAL) PLANNING AND DECISION-MAKING PROCESS

To conform with changes from HB 3, effective September 1, 2009, references to “academic excellence indicators” have been changed to “student achievement indicators” throughout.

BQA (LEGAL) PLANNING AND DECISION-MAKING PROCESS DISTRICT-LEVEL

To conform with changes from HB 3, effective September 1, 2009, the reference to “academic excellence indicators” at DISTRICT IMPROVEMENT PLAN has been changed to “student achievement indicators.”

HB 3646, effective September 1, 2009, deleted Education Code, Chapter 21, Subchapter N on the Awards for Student Achievement Program, which contained the requirement for the district- and campus-level planning and decision-making committees to develop and approve a campus incentive plan. As a result, we have deleted that material.

In addition, we have deleted an unnecessary cite at DROPOUT PREVENTION REVIEW.

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BQB (LEGAL) PLANNING AND DECISION-MAKING PROCESS CAMPUS-LEVEL

As mentioned at BQA(LEGAL), above, HB 3646, effective September 1, 2009, deleted Education Code, Chapter 21, Subchapter N on the Awards for Student Achievement Program, which contained the requirement for the district- and campus-level planning and decision-making committees to develop and approve a campus incentive plan. As a result, we have deleted that material.

As at BQA(LEGAL), we have also deleted an unnecessary cite at DROPOUT PREVENTION REVIEW.

BR (LEGAL) REPORTS

As mentioned above, material on student accountability, including the Academic Excellence Indicator System (AEIS) report and the school report card was moved to AIB. Material on the annual financial management report was moved to CFA.

This code now includes a list of required reports, in the order they appear in the policy manual, that the district must publish or distribute. As indicated in the **Note** at the beginning of the policy, the list is not all-inclusive. Each listed item includes the relevant deadline (when listed in statute), whether the reporting requirement is applicable to certain districts, the relevant legal citation, and a cross-reference to the policy code that includes more detail about the topic of the report.

BRB (LEGAL) REPORTS WEB SITE POSTINGS

This new code was created to provide a list of items that the district is required to post on its Internet Web site. Each listed item includes a cross-reference to the policy code that includes more detail about the topic of the posting. As indicated in the **Note** at the beginning of the policy, the list is not all-inclusive.

CCA (LEGAL) LOCAL REVENUE SOURCES BOND ISSUES

HB 3646, effective September 1, 2009, and SB 2274, effective June 19, 2009, clarify that a district can raise funds through bonds and ad valorem taxes in an amount sufficient to pay the principal and interest on the bonds as *or before* the bonds become due. See BONDS AND BOND TAXES on page 1.

HB 3646 also amended the provisions governing EXISTING DEBT ALLOTMENT. Districts are now eligible for guaranteed state funding if the district made payments on the bonds during the final school year of the preceding state fiscal biennium. Previously the statute required payment to have been made in the 2006–07 school year.

HB 1720 and SB 2085, both effective September 1, 2009, modify the prohibition on the use of district funds for POLITICAL ADVERTISING to situations in which the officer or employee knowingly expends or authorizes the expenditure of funds for this purpose. These bills also add a new prohibition against the use of district funds for a communication on a measure that the officer or employee knows is false and that is likely to influence voting. In addition, a district can now request an advance written advisory opinion from the Texas Ethics Commission stating whether the district's communication complies with these prohibitions.

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On page 5, at GUARANTEED BONDS, we have added changes from HB 3646 regarding guarantee of bonds by the permanent school fund.

The CREDIT ENHANCEMENT PROGRAM, added by HB 3646, allows districts to apply for credit enhancement of bonds and is available when a district's application for guarantee by the permanent school fund is rejected.

For the guarantee program and the credit enhancement program, the State Board of Education may set an applicable fee in an amount to cover administration of the programs.

CCG (LEGAL) LOCAL REVENUE SOURCES AD VALOREM TAXES

Reflected at this code are changes from HB 3646 that allow a district, beginning with the 2010 tax year, to adopt a tax rate based on estimated property values rather than waiting for a certified appraisal roll. Appraisal districts are required to prepare a CERTIFIED ESTIMATE by April 30. The bill creates an EXCEPTION from the requirement that a budget be adopted before the adoption of the tax rate. (See page 3.) A district that chooses to adopt a tax rate based on a certified estimate may adopt the tax rate before the budget. The district's effective and rollback tax rates will both be based on the certified estimate.

HB 2291, effective June 19, 2009, amends the wording required in the motion to adopt an ordinance to set a tax rate that exceeds the EFFECTIVE TAX RATE. The motion must now include the percentage by which the proposed tax rate exceeds the effective tax rate. If the ordinance will set a tax rate that will exceed the effective MAINTENANCE AND OPERATIONS TAX RATE, the ordinance must include the percentage by which the proposed tax rate exceeds the effective M&O rate.

Provisions about ordering a tax ratification election from HB 3646 have been added at CALL FOR ELECTION and NOTICE TO COUNTY CLERK.

HB 1257, effective June 19, 2009, expands the provisions governing installment tax payments by owners of real property located in a DISASTER AREA. Now the option applies to real property that is owned or leased by certain business entities.

HB 1257 also expands the homestead exemption as reflected at HOMESTEADS RENDERED UNINHABITABLE OR UNUSABLE on page 10. If a residence is uninhabitable because of a casualty or wind or water damage, the owner may continue receiving the exemption while constructing a replacement structure.

DISABLED VETERANS with a 100 percent disability rating are entitled to an exemption from taxation for the total appraised value of the residence homestead. This provision is from HB 3613, effective June 19, 2009.

Districts may grant ADDITIONAL EXEMPTIONS for certain tax-exempt corporations pursuant to HB 2555, effective January 1, 2010.

HB 1770 and HB 3646 trigger revisions at COLLECTION AND DEPOSIT OF TAX INCREMENTS on page 11. HB 1770 clarifies that even if a reinvestment zone is terminated, the district must make its payment of the appropriate taxes within 90 days after the delinquency date for district property taxes. A district is not required to pay any of its tax increment into the tax increment fund for a reinvestment zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the county or municipality that created the zone.

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CCH (LEGAL) LOCAL REVENUE SOURCES APPRAISAL DISTRICT

HB 3611, effective January 1, 2010, allows the boards of directors of two or more adjoining APPRAISAL REVIEW BOARDS to enter into an interlocal contract for the operation of a consolidated appraisal review board. This provision was approved by voters in the November 2009 election.

Generally, members of an appraisal review board are appointed by the appraisal district board of directors. HB 1030 adds an EXCEPTION to this general rule. The exception, effective January 1, 2010, provides that members of an appraisal review board in Harris, Montgomery, and Fort Bend counties are appointed by the local administrative district judge.

CE (LEGAL) ANNUAL OPERATING BUDGET

HB 3646 created an exception to the provision prohibiting a district from using its employees, property, or resources for improvements to real property not owned or leased by the district. A district may now contribute funds to the design, improvement, or construction of an instructional facility or stadium owned by or under the control of an institution of higher education (including any public community college) if the district is permitted to use the facility. This new provision has been added at CX(LEGAL) and is referenced in this policy at USE OF DISTRICT RESOURCES.

As noted in the explanatory note for CCG(LEGAL), and as reflected at BUDGET ADOPTION AFTER TAX RATE ADOPTION on page 4, HB 3646 permits a district relying on a certified estimate of property values to adopt a tax rate before adopting the budget. In this circumstance, the district must publish notice and hold a meeting to discuss the proposed tax rate. Following adoption of the tax rate, the district must publish notice and hold another public meeting before the district adopts the budget.

HB 3, effective September 1, 2009, governs PUBLICATION OF THE ADOPTED BUDGET. Each district must post its final approved budget on its Web site and must keep the budget available on the Web site for three years after adoption.

Citations have been updated throughout this policy.

CFA (LEGAL) ACCOUNTING FINANCIAL REPORTS AND STATEMENTS

Material on the ANNUAL FINANCIAL MANAGEMENT REPORT has been moved with no substantive changes from BR(LEGAL).

At PROJECTED DEFICIT on page 4, we have added a new reporting requirement from HB 3, effective September 1, 2009. As part of the financial accountability system, TEA will develop a review process to anticipate the future financial solvency of each school district. The review process will analyze revenues and expenditures for the preceding year, the current year, and the following two years. See the explanatory note for CFC(LEGAL). If the review process reveals a projected deficit for a district general fund within the following three years, the district must provide TEA with information for TEA to evaluate the district's current budget status.

Please note that although the initial review process described in CFC will only analyze projected revenues and expenditures for the current school year and *the following two school years*, the reporting requirements referred to in this policy would apply if the review process reveals a projected deficit within *the following three school years*.

If the projected deficit is substantiated, the district must develop and submit a financial plan to TEA.

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CFC (LEGAL) ACCOUNTING AUDITS

As mentioned at CFA, above, TEA must develop a process to review the future FINANCIAL SOLVENCY of each district. The review process will analyze revenues and expenditures for the preceding year, the current year, and the following two years. Several factors will be considered in the review process, as listed in the policy. To assist districts in submitting information to TEA, the agency will develop a system for districts to submit relevant information electronically.

See also the explanatory note for CFA(LEGAL).

CFEA (LEGAL) PAYROLL PROCEDURES SALARY DEDUCTIONS AND REDUCTIONS

We have clarified the text at item 15, CAFETERIA PLANS, to indicate that the cafeteria plan referenced in the text is the district's cafeteria plan.

CH (LOCAL) PURCHASING AND ACQUISITION

As reflected at CH(LEGAL) in Update 86, districts are now permitted to receive electronic bids or proposals in the purchasing process, in accordance with HB 987, effective June 19, 2009. If the board chooses this option, the board must adopt rules to ensure that the bids or proposals are secure and remain unopened until the appropriate time. We now have text available to include at CH(LOCAL), CVA(LOCAL), and CVB(LOCAL) for districts that wish to take advantage of this new law. Please contact your policy consultant if your district will be accepting electronic bids or proposals. Sample administrative regulations on this topic were included in Update 35 to the **TASB Regulations Resource Manual**, released in December.

CK (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT

We have created this new code to include materials on safety and security in general. HB 1831, effective September 1, 2009, created a requirement for each district to establish a SAFETY AND SECURITY COMMITTEE. The committee will develop and implement emergency plans, provide information needed for an audit or report, and review each report that the district must submit to the Texas School Safety Center (TxSSC).

Other changes from HB 1831 include:

- A new provision protecting documents and information collected, developed, or produced during a safety and security audit from DISCLOSURE under the Public Information Act; and
- A requirement for a district that enters into a memorandum of understanding or mutual aid AGREEMENT addressing issues that affect school safety and security to submit, when requested, information about the agreement to the TxSSC.

Finally, we have moved from CKC(LEGAL) to this policy the provision requiring the district to conduct a security audit. The scope of the audit provision was expanded by HB 1831, effective September 1, 2009, to encompass safety issues in addition to security issues. See SAFETY AND SECURITY AUDIT.

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CKC (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT EMERGENCY PLANS

Text at EMERGENCY OPERATIONS PLAN is revised as a result of HB 1831, effective September 1, 2009. A district's emergency operations plan (EOP) must now:

- Include school drills and *exercises* to prepare students for emergencies; and
- Ensure coordination with the Texas Department of State Health Services.

HB 1831 also adds a list of circumstances under which a document relating to an EOP is subject to DISCLOSURE. Mainly these focus on whether the document would enable someone to confirm that the district has met its statutory requirements regarding development of the EOP.

The paragraph requiring the district to conduct a security audit once every three years has been moved to CK(LEGAL).

CNB (LEGAL) TRANSPORTATION MANAGEMENT DISTRICT VEHICLES

Based on new bus advertising rules adopted by the Texas Department of Public Safety (DPS) effective March 18, 2009, we have updated citations and contact information for DPS.

CQ (LEGAL) ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

A new provision from HB 2004, effective September 1, 2009, requires a district that owns, licenses, or maintains computerized data with sensitive personal information to provide notice, as required by the Business and Commerce Code, to affected individuals in the event of a breach of the security system. (See SECURITY BREACH NOTIFICATION on page 5.) Sensitive personal information includes an individual's name in combination with items such as a social security number, driver's license number, government-issued identification number, credit or debit card number, and health information.

CRG (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT DEFERRED COMPENSATION AND ANNUITIES

Changes to provisions on salary reduction agreements come from HB 3480, effective September 1, 2009. See PROHIBITIONS ON DISTRICT, beginning on page 2. Previously a district could not enter into a salary reduction agreement with an employee if the qualified investment product in which the employee wished to invest was not eligible under TRS rules. This bill creates an exception, permitting a salary reduction agreement for an *ineligible* investment product if the district first provides the employee with written notice listing the reason the qualified investment product is not eligible. If the reason for ineligibility is that TRS has denied, suspended, or revoked the certification of the company offering the product, the notice must indicate the reason the company's certification was denied, suspended, or revoked. The written notice must also clearly state that, by signing the notice, the employee is agreeing to enter into or continue the salary reduction agreement.

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CX (LEGAL) RENTING OR LEASING FACILITIES FROM OTHERS

HB 3646 created an exception to the provision prohibiting a district from using its employees, property, or resources for improvements to real property not owned or leased by the district. A district may now contribute funds to the design, improvement, or construction of an instructional facility or stadium owned by or under the control of an institution of higher education (including any public community college) if the district is permitted to use the facility. See DESIGN OR CONSTRUCTION OF AN INSTRUCTIONAL OR ATHLETIC FACILITY. See also CE(LEGAL), above.

Revisions at USE OF ATHLETIC FACILITIES also come from HB 3646. If a district enters into a contract with a corporation, city, or state university or college for the use of a stadium or other athletic facility owned by or under the control of the other entity, the contract may not exceed a 75-year term.

Minor revisions to better match statutory text have been made at MAINTENANCE TAX LEVY AUTHORIZATION and ELECTION PROCEDURES.

DFBB (LOCAL) TERM CONTRACTS NONRENEWAL

HB 3, addressing school district accountability, made several changes to accountability interventions and sanctions, effective for the 2009–10 school year. The Commissioner may now order repurposing of a previously reconstituted campus in specific circumstances. With certain exceptions, a teacher employed at the campus in the school year immediately preceding the repurposing of the campus cannot be retained at the campus. Likewise, the principal may not be retained, absent certain exceptions. The law allows a district to reassign to another position in the district an educator who has not been retained under the repurposing provisions. When reassignment of the educator is not appropriate, the district may decide to pursue nonrenewal. As a result, we have revised nonrenewal REASON item 11 to permit nonrenewal of an employee who is not retained at a repurposed campus. [See the explanatory note at AIC(LEGAL).]

To match the practice common in most districts, we have deleted the requirement that the superintendent deliver written notice of proposed renewal to the employee by hand or certified mail, return receipt requested, not later than the 45th day before the last day of instruction required in the contract. Most districts comply with the requirement to give notice of proposed renewal by providing the teacher with a copy of the contract for the following school year. See NOTICE OF PROPOSED NONRENEWAL for these changes.

At HEARING BY THE BOARD, HEARING PROCEDURE, we have changed “board president” to “presiding officer” to accommodate those instances when someone other than the board president is presiding over the nonrenewal hearing.

DFE (LEGAL) TERMINATION OF EMPLOYMENT RESIGNATION

This policy has been revised based on a recent Commissioner decision. In *Fantroy v. Dallas Independent School District*, the Commissioner determined that a resignation that is submitted by an educator before the penalty-free resignation date is a “unilateral resignation.” A district cannot reject such a resignation. It is effective upon filing with the district, thus the district does not need to officially consent to or accept the resignation, and the educator cannot revoke the resignation once it is submitted. See RESIGNATION WITHOUT CONSENT (UNILATERAL RESIGNATION). A previous Commissioner decision from 2006, *Garcia v. Miles Independent School District*, which supports *Fantroy*, was also added.

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We have also added two previous Commissioner decisions that address SANCTIONS FOR ABANDONMENT OF CONTRACT. These decisions explain that if a district accepts a resignation, it indicates consent, and the district may no longer pursue sanctions for abandonment of the contract.

DFE (LOCAL) TERMINATION OF EMPLOYMENT RESIGNATION

For consistency with the changes at DFE(LEGAL), we have restructured this policy to distinguish between unilateral resignations, which do not require acceptance by the district, and all other resignations. At CONTRACT EMPLOYEES, we have revised the text to specify that the superintendent is authorized to “receive” rather than “accept” a resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. As reflected in the policy, such resignations are automatically accepted upon receipt; the district does not take any action to accept them.

The revised policy continues to reflect the superintendent’s authority to accept other resignations or submit them to the board in order for the district to pursue sanctions. We have deleted a sentence specifying that acceptance of a resignation submitted after the penalty-free resignation date is contingent on finding a suitable replacement. The removal of this sentence allows the superintendent to consider a variety of factors in deciding whether to accept such a resignation without limiting the decision to this single factor.

The provision requiring board consent for withdrawal of an accepted resignation remains unchanged. (See WITHDRAWAL OF RESIGNATION.) If your district practice is to allow the superintendent, rather than the board, to approve the withdrawal of a previously accepted resignation, for example, to match the district’s hiring authority provisions in DC(LOCAL), please contact your policy consultant for revisions to this policy.

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

We have updated the text to clarify that only districts that receive a “direct” federal grant must comply with the FEDERAL DRUG-FREE WORKPLACE ACT. At item 4, we have added statutory detail: districts to which the Act is applicable must provide a drug-free workplace by imposing a sanction on an employee convicted of a drug violation or requiring the employee to satisfactorily participate in a drug abuse or rehabilitation program.

The 79th Texas Legislature repealed the statutory authority for the Texas Department of Insurance, Division of Workers’ Compensation, to adopt rules governing the administration of the Texas Drug-Free Workplace Program. As a result, we have deleted the Texas Administrative Code provision that required a district with 15 or more employees to adopt a policy for eliminating drug and alcohol abuse. The Administrative Code provision was repealed effective October 1, 2009.

DI (LOCAL) EMPLOYEE WELFARE

As reflected in DH(LEGAL), districts that receive federal grant money directly, including Impact Aid, have long been required by federal law to provide a drug-free workplace. In addition, state law required a district with 15 or more employees to adopt a policy for elimination of drug abuse, including alcohol. As a result of the repeal of the state law, we have deleted reference to the state requirements. We have also added a cross-reference to DH and clarified that the program is a “drug-free awareness” program.

See the explanatory note for DH(LEGAL).

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DI (EXHIBIT) EMPLOYEE WELFARE

This exhibit has been revised to serve as the required notice under the federal Drug-Free Workplace Act. As part of the revisions we have made changes to the formatting and added detail about employees' obligations under the Act as a condition of their employment, including a provision requiring employees to notify the superintendent in writing of a criminal drug statute conviction in accordance with the reporting timelines in DH(LOCAL).

DNB (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

As a result of HB 3, we have amended the provision at PRINCIPALS. The appraisal of a principal will now include consideration of "student achievement indicators" rather than "academic excellence indicators." We have made a similar change to the language at DOMAINS on page 2.

EEL (LEGAL) INSTRUCTIONAL ARRANGEMENTS CONTRACTS WITH OUTSIDE AGENCIES

HB 339 and HB 2730, both effective September 1, 2009, specify that a DRIVER TRAINING SCHOOL with which a district enters into an agreement for driver education must be licensed under Education Code Chapter 1001.

EHAD (LEGAL) BASIC INSTRUCTIONAL PROGRAM ELECTIVE INSTRUCTION

HB 339 and HB 2730, both effective September 1, 2009, and applicable beginning with the 2010–11 school year, require a district to consider offering a DRIVER EDUCATION and traffic safety course during each school year. If the district decides to offer the course, the district may teach the course for a fee or contract with a licensed driver education school.

See the explanatory note for EEL(LEGAL).

EHB (LEGAL) CURRICULUM DESIGN SPECIAL PROGRAMS

We have made a correction at READING PROGRAM. A district "shall," not "may," purchase a reading program or develop its own reading program.

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EHBD (LEGAL) SPECIAL PROGRAMS FEDERAL TITLE I

Provisions from the No Child Left Behind Act addressing accountability and other requirements applicable to Title I, Part A schools have been moved to AID(LEGAL). Remaining provisions focus on parental involvement, policy requirements, comparability, private schools, and homeless children.

Other changes include:

- Rephrasing of the provision at PARENTAL INVOLVEMENT to clarify that a district may receive Title I, Part A funding only if it implements the relevant programs;
- Addition of detail from the statute regarding COMPARABILITY, including an EXCEPTION from comparability requirements for districts that do not have more than one building for each grade level and the provision that a district is considered in compliance with comparability requirements if it files a written assurance with TEA; and
- Addition of detail regarding a district's obligation to provide special education services and benefits to eligible children enrolled in PRIVATE SCHOOLS.

EHDE (LEGAL) EXTENDED INSTRUCTIONAL PROGRAMS DISTANCE LEARNING

We have added detail from the Education Code on the state virtual school network, including:

- A requirement for districts to give NOTICE to parents and students of the option to enroll in an electronic course offered through the virtual school network;
- Provisions governing how a district should handle student REQUESTS TO ENROLL in an electronic course offered through the state virtual school network; and
- A provision allowing a parent to APPEAL to the Commissioner a district's denial of the parent's request to enroll his or her child in an electronic course offered through the network.

EKD (LEGAL) TESTING PROGRAMS MATHEMATICS ASSESSMENT

We have deleted from this code the requirement for the Commissioner to develop an end-of-course Algebra I assessment instrument and the statutory provision requiring a special education student's ARD committee to consider modifications regarding end-of-course assessments. This material is incorporated by reference at EKB, which includes provisions on state assessments.

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EMI (LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES STUDY OF RELIGION

A 2008 attorney general opinion, cited in the policy, confirms that although a district must include in its enrichment curriculum “religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature,” [see policy EHAA(LEGAL)], the district is not required to offer an elective course on the Hebrew Scriptures and its impact or on the New Testament and its impact.

Effective for the 2009–10 school year, a district may offer an ELECTIVE COURSE to high school students on the impact of the Old or New Testaments. If fewer than 15 students at a campus register for the course, the district is not obligated to offer the course at that campus for that semester. In the alternative, a district may offer an elective course based on the books of a religion other than Christianity or on the academic study of the Hebrew Scriptures, the New Testament, or both.

FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

Based on a recommendation by the U.S. Department of Education, Office for Civil Rights (OCR), we have incorporated into this policy an ADA/SECTION 504 COORDINATOR to ensure compliance with Title II of the Americans with Disabilities Act (ADA) of 1990. The ADA regulations require each district with 50 or more employees to list the name, position, address, and phone number of the individual who will coordinate the district's efforts to comply with and carry out its responsibilities under Title II with regard to students. Although districts with fewer than 50 employees are not required by law to list a Title II coordinator, we recommend that they do so as a practical matter in order to assist the district in complying with Title II. Title II is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in district services, programs, and activities. Additionally it extends the prohibition of discrimination on the basis of disability established by Section 504 of the Rehabilitation Act of 1973.

Please note that we have added Title II responsibilities to those of the Section 504 coordinator. If someone other than the Section 504 coordinator will serve as the Title II coordinator, contact your policy consultant so that your policy can be adjusted.

Another change, at TITLE IX COORDINATOR, replaces the word “employee” with “person” to accommodate the practice of naming someone other than a district employee as the coordinator, for example an attorney or other similar individual.

Your locally developed provisions in the first and second paragraphs, in response to the district's agreement with the Office of Civil Rights, remain unchanged.

See also the explanatory note for FFH(LOCAL).

FDAA (LEGAL) INTERDISTRICT TRANSFERS PUBLIC EDUCATION GRANTS

Eligibility for a student to receive a public education grant (PEG) has been amended by HB 3, effective September 1, 2009. Prior to HB 3, an ELIGIBLE STUDENT was one who was assigned to attend a campus that was considered academically unacceptable at any time in the preceding three years. Pursuant to HB 3, a student is eligible if the student was assigned to attend a campus that failed to satisfy any standard under Education Code 39.054(d) at any time in the preceding three years. That section includes the criteria for an acceptable performance rating.

Citations have been updated throughout the policy.

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FDB (LEGAL) ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM
ASSIGNMENTS

The same standard regarding eligibility for PEG grants [see the explanatory note for FDAA(LEGAL), above] applies to intradistrict transfers of STUDENTS IN UNACCEPTABLE SCHOOLS (see page 4). HB 3 revised this standard to permit a student to transfer if the student is assigned to attend a school that failed to satisfy any standard under Education Code 39.054(d), which includes the criteria for an acceptable performance rating, at any time in the preceding three years. Previously, a student was eligible for an intradistrict transfer if the student was assigned to attend a campus that was considered academically unacceptable at any time in the preceding three years.

FFAC (LOCAL) WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

Your district's policy reflects that the district provides nonprescription medication to students only on an emergency basis and consistent with protocols established by the District's medical advisor and parental consent. Some districts have chosen to discontinue the practice of providing nonprescription medication to students, even in the circumstances listed above. If your district no longer purchases and provides nonprescription medication to students, please contact your policy consultant for adjustments to your policy.

FFAF (LEGAL) WELLNESS AND HEALTH SERVICES
INDIVIDUALIZED HEALTH PLAN

Additional detail from statute has been added to this policy, which addresses diabetes management, including requirements for the student's school to:

- Review a diabetes management and treatment plan (DMTP) submitted by a parent (see SUBMISSION TO SCHOOL);
- Allow a student to attend to the management and care of the student's diabetes, such as performing glucose checks, administering insulin, treating hypoglycemia and hyperglycemia, and possessing necessary equipment (see INDEPENDENT MONITORING AND TREATMENT); and
- Ensure that if a school nurse is assigned to the campus, the nurse will coordinate the training of school employees acting as UDCA's (unlicensed diabetes care assistants) (see UDCA TRAINING on page 3).

In addition, we have added a **Note** on page 4 referencing the Texas Diabetes Council's Guidelines for Training School Employees who are not licensed health-care professionals to care for students with diabetes. The Council was required by law to develop the Guidelines.

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FFC (LEGAL) STUDENT WELFARE STUDENT SUPPORT SERVICES

Because of the 2008 repeal of the Administrative Code rule, we have deleted a provision requiring the LIAISON FOR COURT-RELATED STUDENTS to assist in ensuring that such students have the opportunity to complete missed assignments. The Administrative Code provision was repealed because the Education Code already provides that a student absent for a court appearance will be allowed a reasonable time to make up school work missed. [See FEA(LEGAL).]

Citations have been updated throughout the policy.

FFH (LOCAL) STUDENT WELFARE FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Based on a recommendation by the U.S. Department of Education, Office for Civil Rights (OCR), we have incorporated into this policy an ADA/SECTION 504 COORDINATOR to ensure compliance with Title II of the Americans with Disabilities Act (ADA) of 1990. The ADA regulations require each district with 50 or more employees to list the name, position, address, and phone number of the individual who will coordinate the district's efforts to comply with and carry out its responsibilities under Title II with regard to students. Although districts with fewer than 50 employees are not required by law to list a Title II coordinator, we recommend that they do so as a practical matter in order to assist the district in complying with Title II. Title II is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in district services, programs, and activities. Additionally it extends the prohibition of discrimination on the basis of disability established by Section 504 of the Rehabilitation Act of 1973.

Please note that we have added Title II compliance responsibilities to those of the Section 504 coordinator. If someone other than the Section 504 coordinator will serve as the Title II coordinator, contact your policy consultant so that your policy can be adjusted.

Another change, at TITLE IX COORDINATOR, replaces the word "employee" with "person" to accommodate the practice of naming someone other than a district employee as the coordinator, for example an attorney or other similar individual.

Other minor changes include a cross-reference to DF at SEXUAL HARASSMENT, BY AN EMPLOYEE and a new margin note under DATING VIOLENCE to highlight the EXAMPLES listed in the policy.

Your locally developed provisions at STATEMENT OF NONDISCRIMINATION and COUNSELING, required by a district agreement with the Office of Civil Rights, have been retained, unchanged.

See also the explanatory note for FB(LOCAL).

FNCC (LEGAL) STUDENT CONDUCT PROHIBITED ORGANIZATIONS AND HAZING

The provision requiring a board or educator to recommend DAEP PLACEMENT for students involved in public school fraternities or sororities, secret societies, or gangs was moved directly under MISDEMEANOR OFFENSE on page 1 to clarify when it applies.

HB 2187, effective September 1, 2009, revised the Penal Code FELONY OFFENSE of coercing, soliciting, or inducing a child to join a gang to include threats to a member of the child's family.

Explanatory Notes

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In addition, we have deleted the item at PERSONAL HAZING OFFENSE in which a person would commit an offense by recklessly permitting hazing to occur. That provision was held unconstitutional in *State v. Zascavage*, 216 S.W.3d 496 (2007).

A new provision from HB 2086, effective June 19, 2009, requires the student handbook to include INFORMATION REGARDING GANG-FREE ZONES. (See page 3.)

FNCF (LEGAL) STUDENT CONDUCT ALCOHOL AND DRUG USE

HB 2467, effective September 1, 2009, expands DRUG-FREE ZONES, in which a criminal offense is enhanced, to include playgrounds. Now, in addition to the other drug-free zones, a person commits an offense if the person knowingly or intentionally possesses a controlled substance in, on, or within 1000 feet of a playground.

We have updated a citation at PARAPHERNALIA on page 2.

FOC (LEGAL) STUDENT DISCIPLINE PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

We have made a correction at REPORTING on page 9. A district “may,” not “shall,” include the number of students removed to a DAEP in its annual performance report.

G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

We have revised the G section table of contents to reflect that GRB has been renamed from County Governmental Authorities to Interlocal Cooperation Contracts.

GNB (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES REGIONAL EDUCATION SERVICE CENTERS

In addition to making conforming changes from HB 3 at CORE SERVICES, item 3, regarding performance ratings, we have revised the text throughout this policy to better match statutory language.

Since Education Code 8.051 does not list as a core service the requirement for ESCs to provide assistance to districts entering into agreements for cooperative shared services arrangements, we have moved this statutory provision to ADDITIONAL SERVICES.

GND (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES STATE EDUCATION AGENCY

As mentioned above, the text previously at this code addressing accreditation, performance indicators, investigations, and sanctions has been moved to the newly created codes AIA and AIC.

Explanatory Notes

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GR (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES

Information on interlocal cooperation contracts has been moved to a new interlocal cooperation contracts code, GRB(LEGAL).

We have added to this policy provisions from SB 1003, effective September 1, 2009, regarding a district's obligation to report to the Office of Federal-State Relations a contract between the district and a federal-level governmental relations consultant.

Provisions on MUNICIPAL ANNEXATION of land have been moved from GRA(LEGAL) and updated to include more detail. A recent attorney general opinion, GA-697, has been added at MUNICIPAL ORDINANCES. In this opinion, the attorney general concluded that a home rule city may enforce its reasonable land development regulations against a school district for the purposes of aesthetics and the maintenance of property values.

GRA (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES LOCAL GOVERNMENTAL AUTHORITIES

Changes to this policy include:

- Deletion of a provision regarding notice to the district by a residential facility, since this information is already covered at FD(LEGAL);
- Moving the provision on municipal annexation of land to GR(LEGAL); and
- Moving the provision on contracts with municipalities regarding school crossing guards to GRB(LEGAL), which focuses on interlocal contracts.

GRA (EXHIBIT) RELATIONS WITH GOVERNMENTAL ENTITIES LOCAL GOVERNMENTAL AUTHORITIES

Reflected at item 4n is a change from HB 2086, effective June 19, 2009. Several types of conduct, such as escaping from custody, helping another escape from custody, and providing someone in custody with controlled substances now constitute a criminal offense under section 71.02 of the Penal Code. Principals are required to report offenses under section 71.02 to law enforcement.

In addition to this legislative change, the exhibit has been updated with parentheticals to assist the reader, and citations throughout have been updated.

GRB (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES INTERLOCAL COOPERATION CONTRACTS

This new policy was created to address provisions on contracts with other governmental entities. As a result, we have moved from GR(LEGAL) general information on interlocal contracts and have included a reference to Chapter 791 of the Government Code for reference to the detailed legal requirements that apply to these contracts. We have also added a cross-reference to CH(LEGAL).

Provisions on contracts regarding HEALTH-CARE AND HOSPITAL SERVICES and SCHOOL CROSSING GUARDS have been moved to this policy from GR(LEGAL) and GRA(LEGAL), respectively, and have been updated to better reflect statutory text.

Explanatory Notes

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GRC (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES
EMERGENCY MANAGEMENT

We have added to this policy an existing statutory provision from the Government Code permitting a district to provide EMERGENCY ASSISTANCE to another local government as long as the presiding officer of the other local government requests assistance and the board authorizes the district to provide assistance by resolution or other official action. Likewise, the board president of the district may request assistance from another local government.

As a result of HB 1831, the definition of "LOCAL GOVERNMENT ENTITY" now includes a public junior college district.

Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION A: BASIC DISTRICT FOUNDATIONS

AA	DISTRICT LEGAL STATUS
AB	DISTRICT NAME
AC	GEOGRAPHIC BOUNDARIES
AE	EDUCATIONAL PHILOSOPHY
AG	HOME-RULE DISTRICTS
AH	OPEN-ENROLLMENT CHARTER SCHOOLS
AI	ACCOUNTABILITY
AIA	Accreditation and Performance Indicators
AIB	Performance Reporting
AIC	Investigations and Sanctions
AID	Federal Accountability Standards

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

Note: The following provisions apply beginning with the 2010–11 school year. For transition provisions relating to the accreditation and accountability system adopted by the 81st Legislature, see Education Code 39.116.

ACCREDITATION

Each district must be accredited by TEA. A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001; 39.052(f)*

ACCREDITATION
STATUSES

The Commissioner shall determine criteria for the following accreditation statuses:

1. Accredited
2. Accredited-warned
3. Accredited-probation

Education Code 39.051

ACCREDITATION
CRITERIA

In determining the accreditation status of the District, the Commissioner shall consider performance on student achievement indicators [see below] and financial accountability [see CFA].

The Commissioner may also consider:

1. The District's compliance with statutory requirements and requirements imposed by rule of the Commissioner or State Board of Education that relate to:
 - a. Reports required by state or federal law or court order;
 - b. High school graduation requirements; or
 - c. Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs.
2. The effectiveness of the District's programs for special populations; and
3. The effectiveness of the District's career and technology program.

The District's accreditation status may be raised or lowered based on the District's performance. The District's accreditation status may be lowered based on the performance of one or more campuses in the District that is below a standard required by Education Code Chapter 39, Subchapter F.

Education Code 39.052(b)

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

STUDENT
ACHIEVEMENT
INDICATORS

The Commissioner shall adopt a set of indicators of student achievement. The student achievement indicators shall include:

1. The results of state assessments, including the results of assessments required for graduation and retaken by students;
2. Dropout rates; and
3. High school graduation rates.

Education Code 39.053

Performance on the state assessment and dropout rate indicators shall be compared to state standards and required improvement. State standards shall be adopted by the Commissioner.

“Required improvement” is the progress necessary for the campus or District to meet state standards and, for the state assessment indicator, the progress necessary for the students to meet each of the performance standards under Education Code 39.0241 (state assessment standards).

NOTICE OF STATUS

The Commissioner shall notify the District if the District has received an accreditation status of accredited-warned or accredited-probation, or a campus’s performance is below standard. The District must notify the parents of students enrolled in the District and property owners in the District of the accreditation status and its implications. *Education Code 39.052(e)*

QUALITY OF
LEARNING
INDICATORS

In addition to the student achievement indicators, the Commissioner shall adopt indicators of the quality of learning for the purpose of preparing performance reports [see AIB]. The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the Minimum High School Program, the Recommended High School Program, and the Advanced/Distinguished Achievement High School Program;
2. The results of the SAT, ACT, articulated postsecondary degree programs, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who agree to take courses under the Minimum High School Program;

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

5. The percentage of students provided accelerated instruction after unsatisfactory performance on a state assessment, the subject of the assessment on which each student failed to perform satisfactorily, the results of second and third administrations of the assessment, the percentage of such students promoted through the grade placement committee process, and the performance of those students in the following school year on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;
10. The percentage of students who are not educationally disadvantaged;
11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

PERFORMANCE
RATINGS

Each year, the Commissioner shall assign each district and campus a performance rating of either acceptable or unacceptable performance. The Commissioner shall evaluate against state standards and consider the performance of each campus in the District on the basis of the campus's performance on the student achievement indicators.

Acceptable performance shall be defined as meeting the state standard established by the Commissioner, based on:

1. Student performance in the current school year; or
2. Student performance as averaged over the current school year and the preceding two school years.

The Commissioner may assign an acceptable performance rating if the campus or District:

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

1. Performs satisfactorily on 85 percent of the measures the Commissioner determines appropriate with respect to the student achievement indicators. The Commissioner may grant an exception from this criterion only in special circumstances; and
2. Does not fail to perform satisfactorily on the same measure for two consecutive school years.

The Commissioner may grant an exception to the District or a campus if the performance is within a certain percentage, determined by the Commissioner, of the minimum performance standard for the measure of evaluation, or if the District or campus satisfies alternative performance criteria established by the Commissioner.

Education Code 39.054

A student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Youth Commission or another governmental entity is not considered to be a student of the District in which the program or facility is physically located. *Education Code 39.055*

ACADEMIC
EXCELLENCE
DISTINCTION
DESIGNATIONS

The Commissioner shall award distinction designations. The District or campus may not be awarded a distinction designation unless the District or campus has acceptable performance on the student achievement indicators. *Education Code 39.201*

The Commissioner shall establish a recognized and exemplary rating for districts and campuses. *Education Code 39.202*

CAMPUS
DESIGNATIONS

The Commissioner shall award distinction designations to campuses that meet one or more of the following criteria:

1. The campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement.
2. The campus demonstrates an ability to significantly diminish or eliminate performance differentials between student sub-populations and the campus is ranked in the top 25 percent of campuses in this state under performance criteria adopted by the Commissioner.
3. The campus satisfies the criteria developed by the Commissioner for the following programs or the following specific categories of performance:
 - a. Academic achievement in English language arts, mathematics, science, or social studies;
 - b. Fine arts;

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

- c. Physical education;
- d. 21st Century Workforce Development program; and
- e. Second language acquisition program.

Education Code 39.203

EXCELLENCE
EXEMPTIONS

Except as listed below, a school or district that is rated exemplary is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

- 1. A prohibition on conduct that constitutes a criminal offense;
- 2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
- 3. A requirement, restriction, or prohibition relating to:
 - a. Curriculum essential knowledge and skills or high school graduation requirements;
 - b. Public school accountability;
 - c. Extracurricular activities;
 - d. Health and safety;
 - e. Purchasing;
 - f. Elementary class size limits;
 - g. Removal of a disruptive student from the classroom;
 - h. At-risk programs;
 - i. Prekindergarten programs;
 - j. Rights and benefits of school employees;
 - k. Special education programs; or
 - l. Bilingual education programs.

The Commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the Commissioner determines that achievement levels of the campus have declined.

Education Code 39.232

ACCOUNTABILITY
PERFORMANCE REPORTING

AIB
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DISTRICT
PERFORMANCE
REPORT

REQUIRED
CONTENTS

The Board shall publish an annual report describing the educational performance of the District and of each campus in the District. The report shall include uniform student performance and descriptive information as determined under rules adopted by the Commissioner. The annual performance report must also include:

1. Campus performance objectives and the progress of each campus toward those objectives, which shall be available to the public;
2. The District's accreditation status and each campus awarded a distinction designation or considered an unacceptable campus;
3. The District's current special education compliance status with TEA;
4. The number, rate, and type of violent or criminal incidents that occurred on each District campus, to the extent permitted under the Family Educational Rights and Privacy Act [see FL];
5. Information concerning school violence prevention and violence intervention policies and procedures that the District is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section 7101 et seq.); and
7. Information received under Education Code 51.403(e) (student performance reports from institutions of higher education) for each high school campus in the District, presented in a form determined by the Commissioner.

The report must include a statement of the amount, if any, of the District's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents.

The annual performance report must also include a comparison provided by TEA of:

1. The performance of each campus to its previous performance and to state-established standards; and
2. The performance of each district to its previous performance and to state-established standards.

Performance information on the student achievement and quality of learning indicators and descriptive information shall be provided by TEA.

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OPTIONAL
CONTENTS

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;
2. Financial information, including revenues and expenditures;
3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held, teacher and administrator salaries, and teacher turnover;
4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and
5. The number of students placed in a disciplinary alternative education program under Education Code Chapter 37.

Supplemental information to be included in the reports shall be determined by the Board.

Education Code 39.306(a)–(b), (d)–(e), (g)

PUBLIC HEARING

The Board shall hold a hearing for public discussion of the annual performance report. The Board shall give notice of the hearing to property owners in the District and parents of and other persons standing in parental relation to a District student. The notice of hearing must include notice to a newspaper of general circulation in the District and notice to electronic media serving the District.

After the hearing the report shall be widely disseminated within the District in a manner to be determined under Commissioner rules.

Education Code 39.306(c)

REPORT USES

The information in the annual performance report shall be a primary consideration in District and campus planning. It shall also be a primary consideration of the Board in the evaluation of the performance of the Superintendent and of the Superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

CAMPUS
PERFORMANCE
REPORT

Each school year, TEA shall distribute to each district a report card for each campus. Annually, the District shall distribute the following information from each campus report card to the parent, guardian, conservator, or other person having lawful control of each student at the campus:

1. The District's instructional expenditures ratio and instructional employees ratio, and the statewide average of those ratios;

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2. Appropriate class size information; and
3. Appropriate student performance information.

On written request, the District shall provide a copy of a campus report card to any other party.

Education Code 39.305

WEB SITE NOTICES

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an Internet Web site shall make the following information available:

1. The information in the most recent campus report card for each campus in the District;
2. The information contained in the most recent performance report for the District;
3. The most recent accreditation status and performance rating of the District; and
4. A definition and explanation of each accreditation status, based on Commissioner rule.

Education Code 39.362

STUDENT
PERFORMANCE
REPORT

Each year, TEA shall report to the District whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, 39.302*

NOTICE TO
PARENTS

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the District shall include specific information relating to access to on-line educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

NOTICE TO
TEACHERS AND
STUDENTS

The District shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and

2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

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Note: The following provisions apply beginning with the 2010–11 school year. For transition provisions relating to interventions and sanctions pending implementation of the accreditation and accountability system adopted by the 81st Legislature, see Education Code 39.116.

ON-SITE
INVESTIGATIONS

The Commissioner may direct TEA to conduct an on-site investigation of the District at any time to answer questions concerning a program, including special education, required by federal law or for which the District receives federal funds.

The agency shall give written notice to the Superintendent and the Board of any impending investigation of the District's accreditation. In conducting the investigation, the investigators shall obtain information from administrators, teachers, and parents of students enrolled in the District.

The investigators shall report orally and in writing to the Board and, as appropriate, to campus administrators and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. As a result of the investigation, the Commissioner may change the accreditation status of the District, change the accountability rating of the District or a campus, or withdraw a distinction designation.

Education Code 39.056

SPECIAL
ACCREDITATION
INVESTIGATIONS

The Commissioner shall authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the agency of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the District's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the Board or between the Board and the District

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administration if it appears that the conflict involves a violation of a role or duty of the Board members or the administration clearly defined by the Education Code. If the agency's findings indicate the Board has observed a lawfully adopted policy, the agency may not substitute its judgment for that of the Board;

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students graduate under the Minimum High School Program;
11. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other course determined by the Commissioner as distinguishing between students participating in the Recommended High School Program from students participating in the Minimum High School Program;
12. When resource allocation practices indicate a potential for significant improvement in resource allocation;
13. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or
14. As the Commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

Based on the results of a special accreditation investigation, the Commissioner may take one of the actions listed below, lower the District's accreditation status or the District's or campus's performance rating, or both. Regardless of whether the Commissioner takes such actions, the Commissioner may impose one of the district- or campus-level interventions or sanctions listed at INTERVENTIONS AND SANCTIONS. *Education Code 39.057(d), (e)*

INTERVENTIONS AND
SANCTIONS

DISTRICT-LEVEL

If the District does not satisfy the accreditation criteria, the academic performance standards, or any financial accountability standard, the Commissioner shall take any of the following actions to the extent the Commissioner determines necessary:

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1. Issue public notice of the deficiency to the Board;
2. Order the Board to conduct a hearing to notify the public of insufficient performance, expected improvements, and potential interventions and sanctions;
3. Order the preparation of a student achievement improvement plan;
4. Order the President of the Board and Superintendent to appear at a hearing before the Commissioner or designee to explain the District's low performance, lack of improvement, and plans for improvement;
5. Arrange an on-site investigation;
6. Appoint a TEA monitor to participate in and report to TEA on the activities of the Board and Superintendent;
7. Appoint a conservator to oversee District operations. The duties and powers of a conservator are set forth at Education Code 39.111;
8. Appoint a management team to direct the operations of the District in areas of insufficient performance, or require the District to obtain certain services under contract with another person. The duties and powers of a management team are set forth at Education Code 39.111;
9. If the District's status is accredited-warned or accredited-probation, or if the District fails to satisfy any standard under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement), appoint a board of managers to exercise the powers and duties of the Board. The duties and powers of a board of managers are set forth at Education Code 39.112;
10. If the District has received a status of accredited-warned or accredited-probation for two consecutive school years, including the current school year, has failed to satisfy any standards under Section 39.054(e) (student achievement indicators in relation to state standards and required improvement), or has failed to satisfy financial accountability standards, revoke the District's accreditation and:
 - a. Order closure of the District and annex it to one or more adjoining districts; or
 - b. In the case of a home-rule school district charter, order closure of all programs operated under the District's charter; or

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11. If the District has failed to satisfy any student achievement indicator standard, impose sanctions designed to improve high school completion rates.

Education Code 39.102(a)

If the District has had a conservator or management team assigned for two consecutive school years, the Commissioner may appoint a board of managers to exercise the powers and duties of the Board of Trustees. The majority of the board of managers must be residents of the District. *Education Code 39.102(b)*

CAMPUS-LEVEL

If a campus's performance satisfies the standards under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement) for the current school year, but would not satisfy the standards for the following school year, the Commissioner may request that the campus-level committee revise and submit the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. *Education Code 39.105*

If a campus's performance is below any standard under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement), the Commissioner shall take actions, to the extent the Commissioner determines necessary, under Education Code Chapter 39, Subchapter F. If the Commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar interventions under federal accountability requirements, the Commissioner may accept those measures. *Education Code 39.103(a), (c)*

In addition, the Commissioner may:

1. Order the President of the Board, Superintendent, and the campus principal to appear at a hearing before the Commissioner or designee to explain the campus's low performance, lack of improvement, and plans for improvement; or
2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the Commissioner.

Education Code 39.103(b)

CAMPUS
INTERVENTION
TEAM

The Commissioner shall assign a campus intervention team to a campus whose performance is below any standard. [See Education Code 39.113 for composition of campus intervention team.] The campus intervention team shall:

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1. Conduct an on-site needs assessment, as set forth at Education Code 39.106(a)(1) and (b);
2. Recommend appropriate actions relating to any area of insufficient performance, as set forth at Education Code 39.106(c);
3. Assist in the development of a targeted improvement plan, and in the execution of the plan as set forth at Education Code 39.106(d-3);
4. Assist the campus in submitting the targeted improvement plan to the Board and the Commissioner for approval, and presenting the plan in a public hearing; and
5. Assist the Commissioner in monitoring the campus's progress in implementing the targeted improvement plan.

Education Code 39.106

After a targeted improvement plan or updated plan is submitted to the Board, the Board shall:

1. Conduct a hearing for the purpose of notifying the public of insufficient performance, expected improvements, and possible intervention measures and sanctions, and soliciting public comment on the plan. The Board may conduct one hearing for one or more campuses.
2. Post the plan on the District's Internet Web site before the hearing; and
3. Submit the plan to the Commissioner for approval.

Education Code 39.106(d), (e-1)

RECONSTITUTION
AND OTHER
MEASURES

The Commissioner shall order the reconstitution of a campus that has been identified as unacceptable for two consecutive school years.

A campus intervention team shall assist the campus in:

1. Developing an updated targeted improvement plan;
2. Submitting the plan to the Board for approval and presenting the plan in a public hearing;
3. Obtaining approval of the plan from the Commissioner; and
4. Executing the plan.

Education Code 39.107(a)

The campus shall implement the updated targeted improvement plan. The Commissioner may appoint a monitor, conservator,

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management team, or board of managers to ensure and oversee District-level support to low-performing campuses and the implementation of the updated targeted plan. *Education Code 39.107(c)*

RETENTION OF
STAFF

The campus intervention team shall decide which educators may be retained on the campus. A principal who has been employed by the campus in that capacity during the full period may not be retained at that campus unless the campus intervention team determines that retention of the principal would be more beneficial to student achievement and campus stability than removal.

A teacher of a subject assessed by a state assessment may be retained only if the campus intervention team determines that a pattern exists of significant academic improvement by students taught by the teacher. If an educator is not retained, the educator may be assigned to another position in the District.

Education Code 39.107(b), (b-1)

RECONSTITUTION
UNSUCCESSFUL

If the Commissioner determines that the campus is not fully implementing the updated targeted improvement plan or if the students enrolled at the campus fail to demonstrate substantial improvement in the areas targeted by the plan, the Commissioner may order repurposing, alternative management, or closure of the campus.

If the campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is reconstituted, the Commissioner shall order repurposing, alternative management, or closure. The Commissioner may waive this requirement for not more than one school year if the Commissioner determines, on the basis of significant improvement in student performance over the preceding two school years, the campus is likely to be assigned an acceptable performance rating for the following school year.

Education Code 39.107(d)–(e-1)

REPURPOSING

If the Commissioner orders repurposing, the District shall develop a comprehensive plan for repurposing the campus and submit the plan to the Board and the Commissioner for approval.

The Commissioner may not approve the repurposing of the campus unless:

1. All students in the assigned attendance zone are provided with the opportunity to enroll in and are provided transportation on request to another campus, unless the Commissioner grants an exception because there is no other campus in the District in which the students may enroll;

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2. The principal is not retained at the campus, unless the Commissioner determines that students enrolled at the campus have demonstrated significant academic improvement; and
3. Teachers employed at the campus are not retained at the campus, unless the Commissioner or designee grants an exception, at the request of the District, for:
 - a. A teacher who provides instruction in a subject other than one for which an assessment instrument is administered who demonstrates satisfactory performance; or
 - b. A teacher who provides instruction in a subject for which an assessment is administered if the District demonstrates that the teacher's students demonstrated satisfactory performance or improved academic growth on that assessment instrument.

If an educator is not retained, the educator may be assigned to another position in the District.

Education Code 39.107(f)

ALTERNATIVE
MANAGEMENT

If the Commissioner orders alternative management, the Commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus, or may appoint another district in the boundaries of the same regional education service center to assume management. If a non-profit entity has not responded to the Commissioner's request for proposal, the Commissioner may solicit proposals from qualified for-profit entities. *Education Code 39.107(h)*

If the Commissioner determines that the basis for the unsatisfactory performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the Commissioner may require the District to contract for the appropriate technical assistance. *Education Code 39.107(i)*

The funding for a campus operated by a managing entity must be not less than the funding of the other campuses in the District on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. *Education Code 39.107(o)*

NO NAME
CHANGE

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the Commissioner may not require that the name of a campus be changed. *Education Code 39.115*

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PROFESSIONAL
SERVICES

In addition to the other authorized interventions and sanctions, the Commissioner may order the District or a campus to acquire professional services at the expense of the District or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The Commissioner's order may require the District or campus to:

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor District assessment instrument administration, or curriculum or program expert; or
2. Provide for or participate in the appropriate training of District staff or Board members, in the case of the District, or campus staff in the case of a campus.

Education Code 39.109

COSTS OF
INTERVENTIONS AND
SANCTIONS

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the District.

If the District fails or refuses to pay the costs in a timely manner, the Commissioner may pay the costs using amounts withheld from any funds to which the District is otherwise entitled, or recover the costs in the manner provided for recovery of an overallocation of state funds under Education Code 42.258. *Education Code 39.110*

APPEALS

The Commissioner shall provide a process for the District to challenge an academic or financial accountability rating. The District may not challenge an academic or financial accountability rating in another proceeding if the District had an opportunity to challenge the decision under the process provided by the Commissioner.

Education Code 39.151

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Note: The following contains basic requirements under the No Child Left Behind Act (NCLB) for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds.

DISTRICT PLAN

The District may receive a subgrant under Title I, Part A for any fiscal year only if the District has on file a plan approved by TEA. The plan shall include the items listed at 20 U.S.C. 6312(b) and the required assurances under 20 U.S.C. 6312(c). The plan may be submitted as part of a consolidated application. *20 U.S.C 6312(a)–(c)*

The District shall develop its plan in consultation with teachers, principals, administrators, and other appropriate school personnel, and with parents of children in schools served under Title I, Part A. The plan shall remain in effect for the duration of the District's participation under Title I, Part A. The District shall periodically review and, as necessary, revise its plan. *20 U.S.C. 6312(d)(3)*

ANNUAL REVIEW

A district receiving federal funds under Title I, Part A shall:

1. Use the state academic assessments and other academic indicators described in the state plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making adequate yearly progress (AYP).
2. At the District's discretion, use any assessments or any other academic indicators described in the District plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making AYP.
3. Publicize and disseminate the results of the local annual review to parents, teachers, principals, schools, and the community.
4. Review the effectiveness of the actions and activities with respect to parental involvement, professional development, and other activities assisted under Title I, Part A.

20 U.S.C. 6316(a)

"AYP" DEFINED

The state shall define, based on academic assessments, what constitutes AYP for all public elementary schools, secondary schools, and districts toward enabling all public elementary school and secondary school students to meet the state's student aca-

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	<p>ademic achievement standards while working toward the goal of narrowing the achievement gaps in the state, districts, and schools. <i>20 U.S.C. 6311(b)(2)(B)</i></p>
TRANSFER OF DISCIPLINARY RECORDS	<p>The state shall provide an assurance to the United States Secretary of Education that the state has a procedure in place to facilitate the transfer by districts of disciplinary records, with respect to a suspension or expulsion, to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school. <i>20 U.S.C. 7165(b)</i></p>
CAMPUS-LEVEL INTERVENTIONS AND SANCTIONS	<p>A school that fails to make AYP is subject to identification by the District for school improvement, corrective action, or alternative governance, as described below. <i>20 U.S.C. 6316(b)(1), (b)(5), (b)(7), (b)(8)</i></p>
PRE-IDENTIFICATION REVIEW	<p>Before identifying a school for improvement, corrective action, or restructuring, the District shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.</p> <p>If the principal of a school proposed for identification believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the District, which shall consider that evidence before making a final determination.</p> <p>Not later than 30 days after the District provides the school with the opportunity to review such school-level data, the District shall make public a final determination on the status of the school with respect to the identification.</p> <p><i>20 U.S.C. 6316(b)(2)</i></p>
DURATION	<p>If a school identified for improvement, corrective action, or restructuring makes AYP for two consecutive school years, the District shall no longer subject the school to the requirements of improvement, corrective action, or restructuring, or identify the school for improvement for the succeeding school year. <i>20 U.S.C. 6316(b)(12)</i></p>
GENERAL REQUIREMENTS	<p>If a school is identified for school improvement, corrective action, or restructuring, the District shall:</p> <ol style="list-style-type: none">1. Provide notice to parents, as described below;2. Provide eligible students with supplemental services; and

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3. Provide students enrolled in the school with an option to transfer to a higher performing school [see OPTION TO TRANSFER, below].

NOTICE TO
PARENTS

The District shall promptly provide notice of identification to the parent or parents of each student enrolled in the school. The notice shall be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The notice shall provide:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the District and TEA.
2. The reasons for the identification.
3. An explanation of what the school identified for school improvement is doing to address the problem of low achievement.
4. An explanation of what the District or TEA is doing to help the school address the achievement problem.
5. An explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement.
6. An explanation of the parents' option to transfer their child to another public school or to obtain supplemental educational services for the child.

20 U.S.C. 6316(b)(6), (b)(7)(E)

SUPPLEMENTAL
SERVICES

The District shall arrange for the provision of supplemental educational services to eligible children from a provider with a demonstrated record of effectiveness. The provider shall be selected by the parents and approved for that purpose by TEA. Nothing contained in this provision shall permit the making of any payment for religious worship or instruction.

An "eligible child" means a child from a low-income family, as determined by the District for purposes of allocating funds to schools under 20 U.S.C. 6313(c).

"Supplemental educational services" means tutoring and other supplemental academic enrichment services that are:

1. In addition to instruction provided during the school day; and
2. High quality, research-based, and specifically designed to increase the academic achievement of eligible children on aca-

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ademic assessments and attain proficiency in meeting the state's academic achievement standards.

The District shall continue to provide supplemental educational services to a child receiving such services until the end of the school year in which such services were first received.

The District may request that TEA waive, in whole or in part, the requirement to provide supplemental educational services.

20 U.S.C. 6316(e)

OPTION TO
TRANSFER

Not later than the first day of the school year following identification, the District shall provide all students enrolled in the school with the option to transfer to another public school in the District that has not been identified for school improvement. *20 U.S.C. 6316(b)(1)(E)* [See CNA and FDB]

FAILURE TO MAKE
AYP FOR TWO
YEARS

The District shall identify for school improvement any elementary or secondary school served under Title I, Part A that fails, for two consecutive years, to make AYP. The identification shall take place before the beginning of the school year following such failure to make AYP. *20 U.S.C. 6316(b)(1)(A)–(B)*

SCHOOL PLAN

After the resolution of any pre-identification review, the school shall, not later than three months after being identified for improvement, develop or revise a school plan in consultation with parents, school staff, the District, and outside experts. The school plan shall cover a two-year period and address the items at *20 U.S.C. 6316(b)(3)(A)*.

The school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification for improvement. If a plan is not approved before the beginning of a school year, such plan shall be implemented immediately upon approval.

Within 45 days of receiving a school plan, the District shall:

1. Establish a peer review process to assist with review of the school plan; and
2. Promptly review the school plan, work with the school as necessary, and approve the plan if it meets requirements.

20 U.S.C. 6316(b)(3)(E)

TECHNICAL
ASSISTANCE

For each school identified for school improvement, the District shall ensure the provision of technical assistance as the school develops and implements the school plan. Such technical assistance shall

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include the items listed at 20 U.S.C. 6316(b)(4)(B) and shall be based on scientifically based research. *20 U.S.C. 6316(b)(4)*

FAILURE TO MAKE
AYP FOR THREE
YEARS

If the school fails to make AYP by the end of the first full school year after identification, the District shall:

1. Continue to provide students with the option to transfer to another school served by the District;
2. Make supplemental educational services available; and
3. Continue to provide technical assistance.

20 U.S.C. 6316(b)(5)

FAILURE TO MAKE
AYP FOR FOUR
YEARS

If the school fails to make AYP by the end of the second full school year after identification, the District shall identify the school for corrective action and take at least one of the following corrective actions:

1. Replace the school staff relevant to the failure to make AYP.
2. Institute and fully implement a new curriculum, including appropriate professional development, for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make AYP.
3. Significantly decrease management authority at the school level.
4. Appoint an outside expert to advise the school on its progress toward making AYP.
5. Extend the school year or school day for the school.
6. Restructure the internal organizational structure of the school.

20 U.S.C. 6316(b)(7)(C)

FAILURE TO MAKE
AYP FOR FIVE
YEARS

If, after one full school year of corrective action, a school continues to fail to make AYP, the District shall prepare a plan and make necessary arrangements to carry out alternative governance.

Not later than the beginning of the school year following the year in which the District implements restructuring, the District shall implement one of the following alternative governance arrangements for the school consistent with state law:

1. Reopen the school as a public charter school.
2. Replace all or most of the school staff (which may include the principal) who are relevant to the failure to make AYP.

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(LEGAL)

3. Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.
4. Turn the operation of the school over to the TEA, if permitted under state law and agreed to by the state.
5. Execute any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make AYP.

20 U.S.C. 6316(b)(8)(B)

NOTICE TO
TEACHERS AND
PARENTS

The District shall provide prompt notice to teachers and parents of the identification for restructuring. The District shall provide the teachers and parents with an adequate opportunity to comment before the District takes action and to participate in developing any restructuring plan.

DISTRICT-LEVEL
INTERVENTIONS AND
SANCTIONS

A district that fails to make AYP is subject to identification by TEA for district improvement or corrective action. *20 U.S.C. 6316(c)*

PRE-
IDENTIFICATION
REVIEW

Before identifying the District for improvement or corrective action, TEA shall provide the District with an opportunity to review the data, including academic assessment data, on which the proposed identification is based. If the District believes that the proposed identification is in error for statistical or other substantive reasons, the District may provide supporting evidence to TEA, which shall consider the evidence before making a final determination not later than 30 days after any pre-identification review.

TEA shall promptly provide to the parents of each student enrolled in a school served by a district identified for improvement, the results of any pre-identification review and, if the District is identified for improvement, the reasons for that identification and how parents can participate in upgrading the quality of the District.

20 U.S.C. 6316(c)(5)

DURATION

If the District makes AYP for two consecutive school years beginning after the date of identification for improvement, TEA need no longer identify the District for improvement or subject the District to corrective action for the succeeding school year. *20 U.S.C. 6316(c)(11)*

IDENTIFICATION
FOR IMPROVEMENT

TEA shall identify for improvement a district that, for two consecutive years, fails to make AYP. *20 U.S.C. 6316(c)(3)*

ACCOUNTABILITY
FEDERAL ACCOUNTABILITY STANDARDS

AID
(LEGAL)

DISTRICT PLAN

A district identified for improvement shall, not later than three months after being so identified, develop or revise a District plan, in consultation with parents, school staff, and others. The plan shall address the items at 20 U.S.C. 6316(b)(7)(A). The District shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the District was identified for improvement. *20 U.S.C. 6316(c)(7)*

TEA shall provide technical or other assistance if requested to better enable the District to develop and implement its plan and work with schools needing improvement. The technical assistance shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing parental involvement and professional development activities. *20 U.S.C. 6316(c)(9)*

IDENTIFICATION
FOR CORRECTIVE
ACTION

After providing technical assistance, TEA may take corrective action at any time with respect to a district that has been identified for improvement.

TEA shall take corrective action with respect to a district that fails to make AYP by the end of the second full school year after the identification for improvement. TEA shall continue to provide technical assistance while instituting any corrective action.

If the District is identified for corrective action, TEA shall take at least one of the following actions:

1. Defer programmatic funds or reduce administrative funds.
2. Institute and fully implement a new curriculum.
3. Replace District personnel relevant to the failure to make AYP.
4. Remove particular schools from the jurisdiction of the District and establish alternative arrangements for public governance and supervision of such schools.
5. Appoint a receiver or trustee to administer the affairs of the District in place of the Superintendent and Board.
6. Abolish or restructure the District.
7. In conjunction with at least one of the actions listed above, authorize students to transfer to a higher-performing public school operated by another district.

20 U.S.C. 6316(c)(10)

ACCOUNTABILITY
FEDERAL ACCOUNTABILITY STANDARDS

AID
(LEGAL)

TEA may delay, for a period not to exceed one year, implementation of corrective action if the District makes AYP for one year or its failure to make AYP is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the District. No such period shall be taken into account in determining the number of consecutive years of failure to make AYP.

HEARING

Before implementing any corrective action, TEA shall provide notice and a hearing to the affected District, if state law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.
20 U.S.C. 6316(c)(10)(D)

NOTICE TO
PARENTS

TEA shall publish, and disseminate to parents and the public, information on any corrective action TEA takes, through such means as the Internet, the media, and public agencies. *20 U.S.C. 6316(c)(10)(E)*

Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION B: LOCAL GOVERNANCE

BA	BOARD LEGAL STATUS
BAA	Powers and Duties
BB	BOARD MEMBERS
BBA	Eligibility/Qualifications
BBB	Elections
BBBA	Reporting Campaign Funds
BBBB	Ethics
BBC	Vacancies and Removal From Office
BBD	Training and Orientation
BBE	Authority
BBF	Ethics
BBFA	Conflict of Interest Disclosures
BBFB	Prohibited Practices
BBG	Compensation and Expenses
BBH	Conventions, Conferences, and Workshops
BC	BOARD MEMBERSHIPS
BD	BOARD INTERNAL ORGANIZATION
BDA	Officers and Officials
BDAA	Duties and Requirements of Board Officers
BDAE	Duties and Requirements of Depository
BDAF	Selection and Duties of Chief Tax Officials
BDB	Internal Committees
BDD	Attorney
BDE	Consultants
BDF	Citizen Advisory Committees
BE	BOARD MEETINGS
BEC	Closed Meetings
BED	Public Participation
BEE	News Coverage
BEF	Staff Participation
BF	BOARD POLICIES
BG	BOARD SELF-EVALUATION
BI	ADMINISTRATIVE GOALS AND OBJECTIVES

Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION B: LOCAL GOVERNANCE

BJ	SUPERINTENDENT
BJA	Qualifications and Duties
BJB	Recruitment and Appointment
BJC	Contract
BJCA	Travel
BJCB	Professional Development
BJCC	Consulting
BJCD	Evaluation
BJCE	Dismissal
BJCF	Nonrenewal
BJCG	Retirement or Resignation
BK	ADMINISTRATIVE ORGANIZATION
BKA	Organization Charts
BKB	Line and Staff Relations
BM	ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES
BP	ADMINISTRATIVE REGULATIONS
BQ	PLANNING AND DECISION-MAKING PROCESS
BQA	District-Level
BQB	Campus-Level
BR	REPORTS
BRB	Web Site Postings

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

SUBSTANTIAL
INTEREST AFFIDAVIT
AND ABSTENTION

If a local public official or a person related to a local public official in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, the local public official, before a vote or decision on any matter involving the business entity or the real property, shall file an affidavit with an official Board recordkeeper stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

Local Gov't Code 171.004

CONTRACTS
PERMITTED

The Board may contract with a business entity in which a Trustee has a substantial interest if the Trustee follows the disclosure and abstention procedure set out above. *Atty. Gen. Op. JM-424 (1986)*

DEFINITIONS
SUBSTANTIAL
INTEREST

A person has a substantial interest in a business entity if any of the following is the case:

1. The person owns at least:
 - a. Ten percent of the voting stock or shares of the business entity, or
 - b. Either ten percent or \$15,000 of the fair market value of the business entity.
2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

The local public official is considered to have a substantial interest if a person related in the first degree by either affinity or consanguinity to the local public official, as determined under Government Code Chapter 573, Subchapter B [see DBE], has a substantial interest as defined above.

Local Gov't Code 171.002

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

LOCAL PUBLIC OFFICIAL	<p>“Local public official” shall mean a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. <i>Local Gov’t Code 171.001(1)</i></p>
BUSINESS ENTITY	<p>“Business entity” means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. <i>Local Gov’t Code 171.001(2)</i></p>
MAJORITY CONFLICT	<p>If a Trustee is required to file and does file an affidavit, that Trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. <i>Local Gov’t Code 171.004</i></p>
SEPARATE VOTE ON BUDGET	<p>The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Trustee has a substantial interest. The affected Trustee shall not participate in that separate vote, but may vote on a final budget if he or she filed the affidavit and the matter in which he or she is concerned has been resolved. <i>Local Gov’t Code 171.005</i></p>
VIOLATIONS	<p>Except as provided above, the local public official shall not knowingly:</p> <ol style="list-style-type: none">1. Participate in a vote or decision on a matter involving a business entity or real property in which the local public official has a substantial interest if it is reasonably foreseeable that an action on the matter will have a special economic effect on the business entity or value of the property that is distinguishable from the effect on the public.2. Act as surety for a business entity that has a contract, work, or business with the District.3. Act as surety on any official bond required of an officer of the District. <p><i>Local Gov’t Code 171.003</i></p> <p>If a Trustee has a substantial interest in a bank with which the District is considering entering into a loan or other transaction besides a depository contract, then the Trustee must comply with the affidavit and abstention requirements. <i>Atty. Gen. Op. JM-1082 (1989); Local Gov’t Code 171.004</i></p>

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

VOIDABLE ACTIONS

The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the Board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. *Local Gov't Code 171.006*

CONFLICTS
DISCLOSURE
STATEMENT

A local government officer shall file the required conflicts disclosure statement, as adopted by the Texas Ethics Commission, with respect to an applicable vendor if the vendor enters into a contract with the District or the District is considering entering into a contract with the vendor; and the vendor:

1. Has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that a contract has been executed or the District is considering entering into a contract with the person; or
2. Has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$250 in the 12-month period preceding the date the officer becomes aware that such a contract has been executed or the District is considering entering into a contract with the vendor.

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. Given by a family member of the person accepting the gift;
2. A political contribution as defined by Title 15, Election Code; or
3. Food, lodging, transportation, or entertainment accepted as a guest.

A local government officer shall file the conflicts disclosure statement with the records administrator of the District not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.

VIOLATIONS

A local government officer commits a Class C misdemeanor if the officer knowingly violates this law. It is an exception to the application of the penalty that the local government officer filed the required conflicts disclosure statement not later than the seventh

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

business day after receiving notice from the District of the alleged violation.

Local Gov't Code 176.003--.004

DEFINITIONS

LOCAL
GOVERNMENT
OFFICER

"Local government officer" means a member of the governing body of the District; a director, Superintendent, administrator, President, or other person designated as the executive officer of the District; an employee of the District who has the authority to approve contracts on behalf of the District, including a person designated as the representative of the District for purposes of Chapter 271, and with respect to whom the District has, in accordance with Local Government Code 176.005, extended the requirements of Local Government Code 176.003 and 176.004. *Local Gov't Code 176.001(4)*

FAMILY MEMBER

"Family member" shall mean a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code, except that the term does not include a person who is considered to be related to another person by affinity only as described by Government Code 573.024(b). *Local Gov't Code 176.001(2)*

RECORDS
ADMINISTRATOR

"Records administrator" means the director, Superintendent, or other person responsible for maintaining the records of the District or another person designated by the District to maintain statements and questionnaires filed under Local Government Code 176 and perform related functions. *Local Gov't Code 176.001(5)* [See CPC]

INVESTMENT
INCOME

"Investment income" means dividends, capital gains, or interest income generated from:

1. A personal or business:
 - a. Checking or savings account,
 - b. Share draft or share account, or
 - c. Other similar account;
2. A personal or business investment; or
3. A personal or business loan.

Local Gov't Code 176.001(2-b)

INTERNET POSTING
REQUIREMENT

A district that maintains an Internet Web site shall provide access on the District's Internet Web site to the conflicts disclosure statements and questionnaires required to be filed with the records administrator. *Local Gov't Code 176.009*

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

AFFIDAVIT
DISCLOSING
INTEREST IN
PROPERTY

If a public servant has a legal or equitable interest in any property that is to be acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant shall file an affidavit as follows:

1. The affidavit shall be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant resides within ten days before the date on which the property is to be acquired by purchase or condemnation.
2. The affidavit must:
 - a. State the name of the public servant and the public office title or job designation held or sought.
 - b. Fully describe the property.
 - c. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest and the date the interest was acquired.
 - d. Include a verification of the truth of the information in the affidavit. [See BBFA(EXHIBIT)]
 - e. Include an acknowledgment of the same type required for recording a deed in the deed records of a county.

Gov't Code 553.002, 553.003

VIOLATIONS

A public servant who fails to file the affidavit when required is presumed to have the intent to commit an offense. An offense under this section is a Class A misdemeanor. *Gov't Code 553.003*

DEFINITION OF
PUBLIC SERVANT—
GOVERNMENT CODE

"Public servant" shall mean a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

Gov't Code 553.001

ANNUAL FINANCIAL
MANAGEMENT
REPORT

The District's annual financial management report shall include summary reports of reimbursement received by each Board member, reports of certain gifts from school vendors, and reports of Board member business transactions with the District. [See CFA] *Education Code 39.083; 19 TAC 109.1005*

TRUSTEE FINANCIAL
STATEMENT

The Board by resolution adopted by majority vote may require each member of the Board to file the financial statement required

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

of state officers under Subchapter B, Chapter 572, Government Code, with the Board and the Texas Ethics Commission.

Not later than the 15th day after the date the Board adopts this resolution, the Board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The Commissioner by order shall require the members of the Board to file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, in the same manner as the members of a board that have adopted a resolution if the Commissioner determines that:

1. A Board member has failed to comply with filing and recusal requirements applicable to the member under Chapter 171, Local Government Code;
2. District financial accounting practices are not adequate to safeguard state and District funds; or
3. The District has not met a standard set by the Commissioner in the financial accountability rating system.

The Commissioner may require the filing of financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the Commissioner's order. A member of a board subject to an order issued by the Commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The Commissioner may renew the requirement if the Commissioner determines that a condition described above continues to exist.

VIOLATIONS

A Trustee serving in a school district that has adopted a resolution or that is subject to an order issued by the Commissioner commits an offense if the Trustee fails to file the statement required by the resolution or order. An offense under this section is a Class B misdemeanor.

Education Code 11.064

Note: See also CBB for requirements when federal funds are involved.

ETHICS
PROHIBITED PRACTICES

BBFB
(LEGAL)

RESTRICTIONS ON
PUBLIC SERVANTS —
PENAL CODE

“Public servant” shall mean a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties:

1. An officer, employee, or agent of government; or
2. A candidate for nomination or election to public office.

Penal Code 1.07(a)(41)(A), (E)

Prohibited activities are covered by, but are not limited to, the following:

BRIBERY

1. A public servant shall not intentionally or knowingly offer, confer, agree to confer on another, solicit, accept, or agree to accept a benefit:
 - a. As consideration for the public servant’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.
 - b. As consideration for a violation of a duty imposed on the public servant by law.
 - c. That is a political contribution as defined by Title 15 of the Election Code or an expenditure made and reported as a lobbying expense in accordance with Government Code, Chapter 305, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Penal Code 36.01(3), 36.02

ILLEGAL GIFTS

2. A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall not solicit, accept, or agree to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions of the District. *Penal Code 1.07(41)(A), (E), 36.08(d)*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section

may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(i)*

EXCEPTIONS

"Illegal gifts to public servants" does not apply to:

- a. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a public servant;
- b. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
- c. A benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
 - (1) The benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - (2) The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
- d. A political contribution as defined by Title 15, Election Code;
- e. An item with a value of less than \$50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
- f. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or
- g. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

Penal Code 36.10

HONORARIA AND
EXPENSES

3. A public servant commits a class A misdemeanor offense if he or she solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not

have been requested to provide but for his or her official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which he or she renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

ABUSE OF OFFICE

4. A public servant shall not, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violate a law relating to the office or misuse District property, services, personnel, or any other thing of value, belonging to the District, that has come into his or her custody by virtue of his or her office or employment. *Penal Code 39.02(a)*

“Law relating to the office” means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

“Misuse” means to deal with property contrary to:

- a. An agreement under which the public servant holds the property;
- b. A contract of employment or oath of office of a public servant;
- c. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
- d. A limited purpose for which the property is delivered or received.

Penal Code 39.01(2)

NEPOTISM

5. Except as provided by law, a public official may not appoint a person to a position that is to be directly or indirectly compensated from public funds or fees of office if:
- a. The person is related to the public official by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree; or
 - b. The public official holds the appointment or confirmation authority as a member of a local board and the person is

related to another member of the board by blood or marriage within a prohibited degree.

Gov't Code 573.002, 573.041; Atty. Gen. Op. JC-184 (2000)
[See DBE]

DEFINITION OF
PUBLIC OFFICIAL

"Public official" shall mean:

- a. An officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; or
- b. An officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state.

Gov't Code 573.001(3)

The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*

COUNTIES WITH
POPULATION
35,000 OR MORE

In a district located wholly in, or whose largest part is located in, a county with a population of 35,000 or more, if, under the District's employment policy [see DC], the Board delegates to the Superintendent the final authority to select District personnel:

- a. The Superintendent is a public official for the purposes of the nepotism prohibitions only with respect to a decision made under that delegation of authority; and
- b. Each member of the Board remains subject to the nepotism prohibitions with respect to all District employees.

For purposes of this provision, a person hired by the District before September 1, 2007, is considered to have been in continuous employment [see DBE] and is not prohibited from continuing employment with the District subject to the abstention requirements.

Education Code 11.1513(f)–(h)

ETHICS
PROHIBITED PRACTICES

BBFB
(LEGAL)

COUNTIES WITH POPULATION LESS THAN 35,000		<p>In a district located wholly in, or whose largest part is located in, a county with a population of less than 35,000:</p> <ol style="list-style-type: none">A Trustee of a board that has delegated to the Superintendent final authority for personnel selection is not subject to the nepotism provisions to the extent of such delegation. <i>Atty. Gen. Op. GA-123 (2003)</i>Nevertheless, a Trustee may remain the relevant public official for nepotism purposes concerning some employment decisions, such as renewal. <i>Atty. Gen. Op. GA-177 (2004)</i>
FORMER TRUSTEE EMPLOYMENT	6.	A Trustee of the District may not accept employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. <i>Education Code 11.063</i>
INCOMPATIBILITY OF OFFICE	7.	One person may not occupy two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government. <i>Texas Constitution, Art. II, Sec. 1; State v. Martin, 51 S.W.2d 815 (Tex. Civ. App. 1932); Thomas v. Abernathy County Line Indep. Sch. Dist., 290 S.W. 152 (Tex. Comm. App. 1927); Turner v. Trinity Indep. Sch. Dist., 700 S.W.2d 1 (Tex. Ct. App. 1983); Atty. Gen. Op. JM-634 (1987)</i>
DEPOSITORY CONFLICT	8.	A Trustee who is a stockholder, officer, director, or employee of a bank that has bid or submitted a proposal to become a depository for the District shall not vote on the awarding of a depository contract to said bank. <i>Education Code 45.204(b)</i>
TEXTBOOK VIOLATIONS— COMMISSIONS	9.	A Trustee commits a class B misdemeanor offense if the Trustee receives any commission or rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used in the schools with which the Trustee is associated. <i>Education Code 31.152(a)</i>
TEXTBOOK VIOLATIONS— CONFLICT	10.	<p>A Trustee commits a class B misdemeanor offense if the Trustee accepts a gift, favor, or service that:</p> <ol style="list-style-type: none">Is given to the Trustee or the Trustee's school;Might reasonably tend to influence the Trustee in the selection of textbooks, electronic textbooks, instructional materials, or technological equipment; and

- c. Could not be lawfully purchased with funds from the state textbook fund.

“Gift, favor, or service” does not include staff development, in-service, or teacher training; or instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152(b)–(d)

TEXTBOOK
VIOLATIONS—
PURCHASE AND
DISTRIBUTION

- 11. A Trustee commits a Class C misdemeanor offense if the Trustee knowingly violates any law providing for the purchase or distribution of free textbooks for the public schools. *Education Code 31.153*

BOARD POLICIES

BF
(LEGAL)

WAIVERS

Except as indicated below, the District or a campus may apply to the Commissioner of Education for a waiver of a requirement or prohibition imposed by the Education Code or rule of the State Board or Commissioner. An application for a waiver must include:

1. A written plan approved by the Board that states the achievement objectives of the campus or District and the inhibition imposed on those objectives by the requirement or prohibition; and
2. Written comments from the campus-level or District-level committee.

Education Code 7.056(a), (b)

SUBMISSION AND
APPROVAL

The application shall be submitted to the Commissioner not later than the 31st day before the campus or District intends to take action requiring a waiver. If the Commissioner does not notify the campus or District of an objection within 30 days after receiving the application, the waiver is granted. *Education Code 7.056(b), (c)*

DURATION

A waiver is effective for the period stated in the application, which cannot exceed three years. A campus or district that has received a waiver for three years may receive an exemption from the requirement, restriction, or prohibition at the end of that period if the campus or District has achieved the objectives stated in the application. The exemption remains in effect until the Commissioner determines that achievement levels of the campus or District have declined. *Education Code 7.056(d)*

RESTRICTIONS

A campus or district may not receive an exemption or waiver from a prohibition on conduct that constitutes a criminal offense; a requirement imposed by federal law or rule, including requirements for special education or bilingual education programs; or from a requirement, restriction, or prohibition imposed by state law or rule relating to:

1. A prohibition on conduct that constitutes a criminal offense.
2. Essential knowledge or skills, or high school graduation requirements.
3. Public school accountability.
4. Extracurricular activities or participation in a University Interscholastic League area, regional, or state competition.
5. Health and safety.
6. Purchasing.

BOARD POLICIES

BF
(LEGAL)

7. Elementary school class size limits, except as provided by Education Code 25.112.
8. Removal of a disruptive student from the classroom.
9. At-risk programs.
10. Prekindergarten programs.
11. Educator rights and benefits.
12. Special education programs.
13. Bilingual education programs.
14. First day of instruction requirements.

Education Code 7.056(e)

SUPERINTENDENT
QUALIFICATIONS AND DUTIES

BJA
(LEGAL)

QUALIFICATIONS A person may not be employed as a superintendent unless the person holds an appropriate certificate or permit. *Education Code 21.003*

DUTIES The Superintendent is the educational leader and chief executive officer of the District. *Education Code 11.201(a)*

The duties of the Superintendent include:

1. Assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of the District and for the annual performance appraisal of the District's staff.
2. Except as provided by Education Code 11.202 (duties of principal) [see DK and DP], assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of the District other than the Superintendent.
3. Overseeing compliance with the standards for school facilities. [See CS]
4. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract. [See DF series]
5. Managing the day-to-day operations of the District as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of District operations.
6. Preparing and submitting to the Board a proposed budget and administering the budget.
7. Preparing recommendations for policies to be adopted by the Board and overseeing the implementation of adopted policies.
8. Developing or causing to be developed appropriate administrative regulations to implement policies established by the Board.
9. Providing leadership for the attainment and, if necessary, improvement of student performance in the District based on the state's student achievement and quality of learning indicators and other indicators as may be adopted by the Commissioner or the Board. [See AIA]
10. Organizing the District's central administration.
11. Consulting with the District-level committee. [See BQA]

SUPERINTENDENT
QUALIFICATIONS AND DUTIES

BJA
(LEGAL)

12. Ensuring:
 - a. Adoption of a Student Code of Conduct [see FO] and enforcement of that Code of Conduct; and
 - b. Adoption and enforcement of other student disciplinary rules and procedures as necessary.
13. Submitting reports as required by state or federal law, rule, or regulation.
14. Providing joint leadership with the Board to ensure that the responsibilities of the Board and Superintendent team are carried out; and
15. Performing any other duties assigned by action of the Board.

Education Code 11.201(d)

In addition, the Superintendent shall, on a day-to-day basis, ensure the implementation of the policies created by the Board. *Education Code 11.1512(a)*

COLLABORATION
WITH THE BOARD

The Board and the Superintendent shall work together to:

1. Advocate for the high achievement of all District students;
2. Create and support connections with community organizations to provide community-wide support for the high achievement of all District students;
3. Provide educational leadership for the District, including leadership in developing the District vision statement and long-range educational plan [see AE];
4. Establish District-wide policies and annual goals that are tied directly to the District's vision statement and long-range educational plan;
5. Support the professional development of principals, teachers, and other staff; and
6. Periodically evaluate Board and Superintendent leadership, governance, and teamwork.

Education Code 11.1512(b)

SUPERINTENDENT
EVALUATION

BJCD
(LEGAL)

APPRAISAL PROCESS	<p>The Board shall appraise the Superintendent annually using either:</p> <ol style="list-style-type: none">1. The Commissioner's recommended appraisal process and criteria [see BJCD(EXHIBIT)]; or2. An appraisal process and performance criteria that are:<ol style="list-style-type: none">a. Developed by the District in consultation with the District- and campus-level committees; andb. Adopted by the Board. <p><i>Education Code 21.354(c)</i></p>
ANNUAL PERFORMANCE REPORT	<p>The information in the annual report describing the educational performance of the District [see AIB] shall be a primary consideration of the Board in evaluating the Superintendent. <i>Education Code 39.307(3)(C)</i></p>
PENALTY FOR NONCOMPLIANCE	<p>Funds of the District may not be used to pay a superintendent who has not been appraised in the preceding 15 months. <i>Education Code 21.354(d)</i></p>
CONFIDENTIALITY	<p>A document evaluating the performance of the Superintendent is confidential. <i>Education Code 21.355</i></p>

PROCEDURES FOR APPRAISAL OF SUPERINTENDENT
RECOMMENDED BY THE COMMISSIONER

Note: The following procedures, which are recommended but not required by the Commissioner, may be used in whole or in part for the Superintendent's evaluation.

The Board shall establish an annual calendar providing for the following activities, in which both the Board and the Superintendent shall participate:

1. Procedures for setting goals that define expectations and set priorities for the Superintendent.
2. Formative conference.
3. Summative conference.

The Superintendent shall be involved in developing, selecting, or revising the appraisal instrument and process.

19 TAC 150.1022

Student performance shall be a part of locally developed appraisal instruments for Superintendents as specified in Education Code 39.054. *19 TAC 150.1022(e)*

A student performance domain shall be included in the appraisal of the Superintendent as follows: "The Superintendent promotes improvement of the performance of students in the District through activities such as comparing disaggregated student performance results to state accountability standards and to prior year performance."

The domains and descriptors used to evaluate the Superintendent may also include:

1. Instructional management.
2. School or organization morale.
3. School or organization improvement.
4. Personnel management.
5. Management of administrative, fiscal, and facilities functions.
6. Student management.
7. School or community relations.
8. Professional growth and development.
9. Student achievement indicators and campus performance objectives.
10. Board relations.

SUPERINTENDENT
EVALUATION

BJCD
(EXHIBIT)

In developing the appraisal instrument, the Board shall use the Superintendent's job description as applicable.

19 TAC 150.1021

The Board may implement a process for collecting staff input for evaluating the Superintendent. If such a process is implemented for use in the Superintendent's evaluation, staff input shall not be anonymous.

Before conducting the Superintendent's appraisal, Board members shall have evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

The District, with the approval of the Board, may select the Commissioner-recommended student performance domain for Superintendents or may develop an alternative process in consultation with the District- and campus-level committees and adopted by the Board. If the District uses the Commissioner-recommended student performance domain, it shall meet the following requirements:

1. The Superintendent shall be required to attend an orientation approved by the Commissioner;
2. The results on the Commissioner-recommended student performance domain shall be incorporated into the local appraisal instrument;
3. The results on the Commissioner-recommended student performance domain shall be a primary consideration of the Board in evaluating the Superintendent;
4. For a Superintendent new to the District, the results from the Commissioner-recommended student performance domain shall be on a "report only" basis during the first year. Dropout and attendance data for the Superintendent shall be on a "report only" basis for the first two years.

19 TAC 150.1022

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

REQUIRED PLANS

The Board shall ensure that a District improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. The Board shall annually approve District and campus performance objectives and shall ensure that the District and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

DISTRICT
IMPROVEMENT
PLAN

The District shall have a District improvement plan that is developed, evaluated, and revised annually, in accordance with District policy, by the Superintendent with the assistance of the District-level committee. The purpose of the District improvement plan is to guide District and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the student achievement indicators. [See AIA]

The District improvement plan must include provisions for:

1. A comprehensive needs assessment addressing District student performance on the student achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the District, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable District performance objectives for all appropriate student achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
3. Strategies for improvement of student performance that include:
 - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
 - b. Methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, or dyslexia treatment programs.

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

- c. Dropout reduction.
 - d. Integration of technology in instructional and administrative programs.
 - e. Discipline management.
 - f. Staff development for professional staff of the District.
 - g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.
 - h. Accelerated education.
4. Strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:
- a. Higher education admissions and financial aid opportunities.
 - b. The TEXAS grant program and the Teach for Texas grant program.
 - c. The need for students to make informed curriculum choices to be prepared for success beyond high school.
 - d. Sources of information on higher education admissions and financial aid.
5. Resources needed to implement identified strategies.
6. Staff responsible for ensuring the accomplishment of each strategy.
7. Time lines for ongoing monitoring of the implementation of each improvement strategy.
8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

Education Code 11.252(a)

9. A discipline management program providing for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in schools, on school grounds, and in school vehicles. *Education Code 37.083(a)*
10. A dating violence policy that must:

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

- a. Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; and
- b. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.0831 [See FFH]

11. A policy addressing sexual abuse of children that must include:
 - a. Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, using resources developed by TEA on prevention of child abuse;
 - b. Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention; and
 - c. Available counseling options for students affected by sexual abuse.

The policy must be included in any informational handbook provided to students and parents.

Education Code 38.0041

The District's plan for the improvement of student performance is not filed with TEA, but the District must make the plan available to TEA on request. *Education Code 11.252(b)*

CAMPUS-LEVEL
PLAN

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations.

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the student achievement indicator system.

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

2. Set the campus performance objectives based on the student achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set time lines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Provide for a program to encourage parental involvement at the campus.
9. Include goals and methods for violence prevention and intervention on campus.
10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:
 - a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;
 - b. Student academic performance data;
 - c. Student attendance rates;
 - d. The percentage of students who are educationally disadvantaged;
 - e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
 - f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(c), (d)

SHARED SERVICES
ARRANGEMENT
FOR DAEP
SERVICES

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall ensure that the District improvement plan and each campus-level plan include the performance of the DAEP student group for the

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

respective district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

19 TAC 103.1201(b)

EVALUATION

At least every two years, the District shall evaluate the effectiveness of the District's decision-making and planning policies, procedures, and staff development activities related to District- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

PLANNING AND
DECISION-MAKING
PROCESS

The Board shall adopt a policy to establish a District- and campus-level planning and decision-making process that will involve the professional staff of the District, parents of students enrolled in the District, business representatives, and community members in establishing and reviewing the District's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

ADMINISTRATIVE
PROCEDURE

The Board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the Superintendent, central office staff, principals, teachers, District-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. The Board shall also ensure that the District-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the District and campus levels. *Education Code 11.251(d)*

REQUIREMENTS

The District policy must provide that all pertinent federal planning requirements are addressed through the District- and campus-level planning process. *Education Code 11.251(f)*

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

The planning and decision-making requirements do not:

1. Prohibit the Board from conducting meetings with teachers or groups of teachers other than the District-level committee meetings.
2. Prohibit the Board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in District- or campus-level planning and decision making.
3. Limit or affect the power of the Board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g)

PLANNING AND DECISION-MAKING PROCESS
DISTRICT-LEVEL

BQA
(LEGAL)

PROCESS

The Board shall establish a procedure under which meetings are held regularly by the District-level planning and decision-making committee that includes representative professional staff, parents of students enrolled in the District, business representatives, and community members. The committee shall include a business representative, without regard to whether the representative resides in the District or whether the business the person represents is located in the District. The Board, or the Board's designee, shall periodically meet with the District-level committee to review the District-level committee's deliberations. *Education Code 11.251(b)*

ADMINISTRATIVE
PROCEDURE

The Board shall ensure that the District-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision-making at the district and campus levels. *Education Code 11.251(d)*

COMMITTEE

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff in the District to nominate and elect the professional staff representatives who shall serve on the District-level committee. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Board policy must provide procedures for:

1. The selection of parents to the District-level committee.
2. The selection of community members and business representatives to serve on the District-level committee in a manner that provides for appropriate representation of the community's diversity.

Education Code 11.251(e)

Note: See BF for information on the committee's role in requesting waivers.

DEFINITIONS

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of the District is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.

PLANNING AND DECISION-MAKING PROCESS
DISTRICT-LEVEL

BQA
(LEGAL)

4. Community members must reside in the District and must be at least 18 years of age.

Education Code 11.251(c)

CONSULTATION

A Superintendent shall regularly consult the District-level committee in the planning, operation, supervision, and evaluation of the District educational program. *Education Code 11.252(f)*

DISTRICT
IMPROVEMENT PLAN

The District shall have a District improvement plan that is developed, evaluated, and revised annually, in accordance with District policy, by the Superintendent with the assistance of the District-level committee. The purpose of the District improvement plan is to guide District and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the student achievement indicators. *Education Code 11.252(a)* [See BQ]

DROPOUT
PREVENTION REVIEW

The District-level planning and decision-making committee shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;
3. The number of students who enter a high school equivalency certificate program and:
 - a. Do not complete the program,
 - b. Complete the program but do not take the high school equivalency examination, or
 - c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in the District.

The District-level planning and decision-making committee shall use the information reviewed under this policy in developing District improvement plans.

Education Code 11.255

PLANNING AND DECISION-MAKING PROCESS
DISTRICT-LEVEL

BQA
(LEGAL)

PUBLIC MEETINGS

The District-level committee established under Education Code 11.251 shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual District performance report from the agency for the purpose of discussing the performance of the District and the District performance objectives. District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the District-level committee. This does not create a new cause of action or require collective bargaining. *Education Code 11.252(e)*

PLANNING AND DECISION-MAKING PROCESS
CAMPUS-LEVEL

BQB
(LEGAL)

	<p>The District shall maintain current policies and procedures to ensure that effective planning and site-based decision making occur at each campus to direct and support the improvement of student performance for all students. <i>Education Code 11.253(a)</i></p>
COMMITTEES	<p>The District's policy and procedures shall establish campus-level planning and decision-making committees as provided by Education Code 11.251(b)–(e). <i>Education Code 11.253(b)</i></p>
CONSULTATION	<p>A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. <i>Education Code 11.253(h)</i></p>
RESPONSIBILITIES	<p>In accordance with the administrative procedures established under Education Code 11.251(b), the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. <i>Education Code 11.253(e)</i></p>
CAMPUS IMPROVEMENT PLAN	<p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. <i>Education Code 11.253(c)</i> [See BQ]</p>
STAFF DEVELOPMENT	<p>The campus-level committee must approve the portions of the campus plan addressing campus staff development needs.</p> <p>The above paragraphs do not create a new cause of action or require collective bargaining.</p> <p><i>Education Code 11.253(e), (f)</i></p>
DROPOUT PREVENTION REVIEW	<p>Each campus-level planning and decision-making committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:</p> <ol style="list-style-type: none">1. The results of the audit of dropout records;2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;3. The number of students who enter a high school equivalency certificate program and:<ol style="list-style-type: none">a. Do not complete the program,

PLANNING AND DECISION-MAKING PROCESS
CAMPUS-LEVEL

BQB
(LEGAL)

- b. Complete the program but do not take the high school equivalency examination, or
 - c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in the District.

Each campus-level planning and decision-making committee shall use the information reviewed under this policy in developing District or campus improvement plans.

Education Code 11.255

PROCESS

The Board shall establish a procedure under which meetings are held regularly by campus-level planning and decision-making committees that include representative professional staff, parents of students enrolled in the District, business representatives, and community members. The committees shall include a business representative, without regard to whether the representative resides in the District or whether the business the person represents is located in the District. *Education Code 11.251(b)*

ADMINISTRATIVE
PROCEDURE

The Board shall also ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the Superintendent, central office staff, principals, teachers, District-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. *Education Code 11.251(d)*

SELECTION OF
COMMITTEES

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff in the District to nominate and elect the professional staff representatives who shall serve on the campus planning and decision-making committees. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Board policy must provide procedures for:

1. The selection of parents to the campus-level committees.

PLANNING AND DECISION-MAKING PROCESS
CAMPUS-LEVEL

BQB
(LEGAL)

2. The selection of community members and business representatives to serve on the committee in a manner that provides for appropriate representation of the community's diversity.

Education Code 11.251(e)

Note: See BF for information on the committee's role in requesting waivers.

DEFINITIONS

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of the District is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.
4. Community members must reside in the District and must be at least 18 years of age.

Education Code 11.251(c)

PRINCIPAL
PERFORMANCE
INCENTIVES

A performance incentive awarded to a principal shall be distributed to the principal's school. The campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.094(a).
Education Code 21.357(c)

PUBLIC MEETING

Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from the agency to discuss the performance of the campus and the campus performance objectives. District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. *Education Code 11.253(g)*

Note: The following is an index of periodic reports that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. This list does not address responsive reports (those that are required in response to a specific incident), reports required under special circumstances, or reports required under administrative procedures of an agency.

REPORTS BY
DISTRICT

The District shall publish and/or distribute the following reports:

1. A written report to each parent of student performance, under Education Code 39.303. [See AIB]
2. At the beginning of the school year, a report to each teacher of students who took a state assessment, indicating whether each student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement, under Education Code 39.304. [See AIB]
3. At the beginning of the school year, a report to each student who took a state assessment, indicating whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement, under Education Code 39.304. [See AIB]
4. Annually, the Board shall publish a report describing the educational performance of the District and of each campus in the District. [See AIB]
5. Annually, the District shall distribute information from a campus report card to the parent of each student at the campus, under Education Code 39.305. [See AIB]
6. At the last regular meeting of the Board for the calendar year, the minutes must reflect whether each Trustee has met or is delinquent in meeting the Board training requirements, under Education Code 11.159. In addition, annually, at the meeting at which the call for election of Board members is normally scheduled, the President shall announce the name of each Board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in the required continuing education, under 19 TAC 61.1. [See BBD]
7. An end-of year financial report, for distribution to the community under Education Code 11.1511(b)(11). [See BAA]

REPORTS

BR
(LEGAL)

8. The annual financial management report, under Education Code 39.083. [See CFA]
9. Annually, a proposed budget shall be submitted to TEA on or before the date established in the *Financial Accountability System Resource Guide*, under Education Code 44.005. [See CE]
10. On or before the date set by the State Board of Education, a report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA, under Education Code 44.007(c), (d). [See CFA]
11. Not later than the 150th day after the date the fiscal year ends, the Board President shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the District, under Local Government Code 140.006. [See CFA]
12. Not later than the 150th day after the end of the fiscal year for which an audit was made, a copy of the annual audit report shall be filed with TEA, under Education Code 44.008(d). [See CFC]
13. At least once every three years, the District shall conduct a safety and security audit of the District's facilities and report the results of the safety and security audit to the Texas School Safety Center, under Education Code 37.108. [See CK]
14. Not later than March 1 of each year, the District police department shall submit a report containing information about motor vehicle stops during the previous calendar year to the governing body of each county or municipality served by the department, under Code of Criminal Procedure 2.134. [See CKE]
15. Not later than April 25, the Superintendent shall report the District's maximum attendance to the Commissioner, for textbook requisition purposes, under Education Code 31.103. [See CMD]
16. By September 1, districts involved in a school bus advertising program shall provide to the Texas Department of Public Safety written notification of the number of school buses operated by or for the district that display exterior advertising or another paid announcement, under 37 TAC 14.67(a)(1), (b). [See CNB]

REPORTS

BR
(LEGAL)

17. Annually, the District shall report to TEA the number of accidents in which its buses were involved in the past year, under Education Code 34.015(b). [See CNC]
18. By March 1 of each even-numbered year, a district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall report its compliance with the comparability requirements to TRS, under Education Code 22.004(d). [See CRD]
19. At least every two years, before the beginning of the school year and in strict compliance with the time frames established by Railroad Commission rule, the District shall report to its natural gas supplier the results of a pressure test of natural gas piping systems in each District facility, under Utilities Code 121.504. [See CS]
20. Each month, a district that employs any retirees shall file a certified statement with TRS, under Government Code 824.6022. [See DC]
21. By April 1 of each year, the District shall transmit a report to TEA listing the instructional materials selected for use in the District, under 19 TAC 66.104(g). [See EFAA]
22. Before November 1 of each year, the Board shall report to TEA the number of limited English proficient (LEP) students on each campus, under Education Code 29.053(b). [See EHBE]
23. Annually, the District shall report to TEA the strategies implemented by the District to increase community awareness of prekindergarten programs offered by the District, under Education Code 29.1534. [See EHBG]
24. Annually, a district that operates a high school equivalency (GED) program shall submit a progress report to TEA, under 19 TAC 89.1417(a). [See EHBL]
25. Annually, the District shall report to TEA the number of students who have earned college credit and the cumulative number of courses in which participating students have enrolled and college credit hours the students have earned, under Education Code 28.009. [See EHDD]
26. A district that has developed its own assessment instruments shall report the results in electronic form to TEA, under 19 TAC 101.101(e). [See EK]

REPORTS

BR
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27. The Superintendent shall report the results of reading instruments to the Commissioner and each student's raw score on the reading instrument to TEA, under Education Code 28.006(d). [See EKC]
28. The District shall use the student attendance accounting standards established by the Commissioner to make reports on student attendance and student participation in special programs, under 19 TAC 129.1023. [See FEB]
29. The District shall compile the results of the annual physical fitness assessment of students and provide summary results to TEA, under Education Code 38.103. [See FFAA]
30. On or before June 30 of each year, the District shall submit to the Texas Department of State Health Services (TDSHS) a report on the vision and hearing screening status of students who were screened during the reporting year, under Health and Safety Code 36.006. [See FFAA]
31. Not later than June 30 of each reporting year, the District shall submit to TDSHS an annual report of spinal screening performed during the school year, under 25 TAC 37.148(n). [See FFAA]
32. A district located in Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, or 20 shall submit to the University of Texas—Pan American Border Health Office an annual report on its students' risk assessment status for Type 2 diabetes, under Health and Safety Code 95.004(e). [See FFAA]
33. Annually, the District shall submit a report of the immunization status of students to TDSHS, under Education Code 38.002(c). [See FFAB]
34. Annually, the District shall report to the Commissioner information regarding each placement in a disciplinary alternative education program (DAEP) and each expulsion, under Education Code 37.020. [See FO]
35. Not later than the 30th day after the contract is executed and again not later than the 30th day after the contract is terminated, the District shall report to the Office of Federal-State Relations any contract between the District and a federal-level government relations consultant, under Government Code 751.016. [See GR]

Note: The following is an index of Web site posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident, postings required under special circumstances, or postings required under administrative procedures of an agency.

REQUIRED INTERNET
POSTINGS

A district that maintains an Internet Web site shall post the following:

1. Not later than the 10th day after the first day of instruction of each school year, the District shall make available each campus report card, the District's performance report, the District's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
2. The District shall provide access to the conflicts disclosure statements and questionnaires, under Local Government Code 176.009. [See BBFA, CHE]
3. The District shall post the statements regarding activities to support student health, under Education Code 28.004. [See BDF]
4. The Board must post notice of a Board meeting and, if the District contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the Board must also post the agenda for a Board meeting, under Education Code 551.056. [See BE]
5. The District shall include on the home page of its Web site the prescribed statement if the District proposes to increase the amount of taxes to fund maintenance and operation expenditures, under Tax Code 26.05(b). [See CCG]
6. The District shall post a summary of its proposed budget concurrently with publication of the proposed budget, under Education Code 44.0041. [See CE]
7. The District shall maintain its adopted budget on the District's Web site until the third anniversary of the date the budget was adopted, under Education Code 39.084. [See CE]
8. The District shall report its energy usage information on a publicly accessible Internet Web site with an interface designed for ease of navigation, if available, under Government Code 2265.001. [See CL]

REPORTS
WEB SITE POSTINGS

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9. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]
10. The District shall post the Board's employment policies, under Education Code 21.204(d). [See DCB]
11. The District shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]
12. The District shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements, under Education Code 38.0181. [See FFAB]

OPTIONAL INTERNET
POSTINGS

A district that maintains an Internet Web site may post the following:

1. The Board may broadcast an open meeting over the Internet, under Government Code 551.128. [See BE]
2. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the District's Internet Web site, rather than on a bulletin board, under Education Code 11.1513. [See DC]
3. The District may place on its Internet Web site a current copy of the procedural safeguards notice regarding special education and related services, under 34 CFR 300.504(b). [See EHBAE]
4. The District may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

LOCAL REVENUE SOURCES
BOND ISSUES

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BONDS AND BOND
TAXES

The Board may obtain funds to construct, acquire, or equip school buildings, to purchase necessary sites, to purchase new school buses, or to acquire or refinance property financed under a contract entered under the Public Property Finance Act by issuing bonds and assessing annual ad valorem taxes sufficient to pay the principal and interest on the bonds as or before they come due. *Education Code 45.001(a)*

All bonds shall be issued in accordance with the Public Security Procedures Act. *Gov't Code 1201*

INSTRUCTIONAL
FACILITY
ALLOTMENT

Except as provided by Education Code 46.005 and 46.006, a district that issues bonds to construct, acquire, renovate or improve an instructional facility is guaranteed certain state funding to pay principal and interest on eligible bonds under the Instructional Facilities Allotment program, Education Code Chapter 46, Subchapter A. *Education Code 46.003; 19 TAC 61.1032*

EXISTING DEBT
ALLOTMENT

The District is guaranteed certain state funding to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible if the District made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in the District's audited debt service collections for that school year, and the District does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032, 46.033; 19 TAC 61.1035*

POLITICAL
ADVERTISING

No officer or employee of the District shall knowingly expend or authorize the expenditure of District funds for the purpose of political advertising. Funds may be expended, however, for advertising that describes the factual reasons for a measure and does not advocate the passage or defeat of such measure.

No officer or employee of the District shall spend or authorize the expenditure of District funds for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense that the officer or employee reasonably relied on a court order, or an interpretation in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

LOCAL REVENUE SOURCES
BOND ISSUES

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On written request of a district that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure complies with the section.

Election Code 255.003 [See CPAB]

NEWSLETTERS

A newsletter of a public officer of the District is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references on a page that is 8 1/2" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

ELECTIONEERING

The Board may not use state or local funds or other resources of the District to electioneer for or against any candidate, measure, or political party. *Education Code 11.169*

ELECTIONS

No bonds shall be issued or taxes levied unless approved by a majority of the qualified voters of the District who vote at an election held for such purpose. The election shall be called by Board resolution, which shall set the date, polling places, and propositions to be voted on.

The election shall be held on a uniform election date.

Education Code 45.003(a); Election Code 41.001(a) [See BBB]

CALL FOR
ELECTION

A call for an election shall be made not later than the 62nd day before election day.

EXCEPTION

For an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day.

Election Code 3.005 [See BBB]

LOCAL REVENUE SOURCES
BOND ISSUES

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NOTICE OF ELECTION	<p>Notice of each election shall be published not earlier than the 30th day or later than the tenth day before election day in a newspaper of general circulation in the District or a newspaper of general circulation in the territory if none is published in the District. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication. <i>Election Code 4.003(a)(1), (c), 4.005</i></p> <p>The Board shall also deliver notice of the election to the county clerk of each county in which the District is located not later than the 60th day before election day.</p> <p><i>Election Code 4.008 [See BBB]</i></p>
POSTING	<p>In addition, notice of the election, which must include the location of each polling place, must be posted not later than the 21st day before election day on the bulletin board used for posting notices of Board meetings. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made. <i>Election Code 4.003(a)(1), (b), (c), 4.004, 4.005</i></p>
PRECLEARANCE REQUIRED	<p>A bond election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a bond election or scheduling of events leading up to or following a bond election is subject to the preclearance requirement. <i>28 CFR 51.17 [See BBB]</i></p>
NEW DEBT	<p>Before issuing bonds, the District must demonstrate to the attorney general that, with respect to the proposed issuance, the District has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed \$0.50 per \$100 of valuation.</p>
CURRENT TAXABLE VALUE	<p>The District may demonstrate the ability to comply by using the most recent taxable value of property in the District, combined with state assistance to which the District is entitled under Chapter 42 or 46 that may be lawfully used for the payment of bonds.</p>
FUTURE TAXABLE VALUE	<p>The District may demonstrate the ability to comply by using a projected future taxable value of property in the District anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which</p>

LOCAL REVENUE SOURCES
BOND ISSUES

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the District is entitled under Chapter 42 or 46 that may be lawfully used for the payment of bonds.

The District must submit a certification of the projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.

The certification of the District's projected taxable value must be signed by the Superintendent. The attorney general must base a determination of whether the District has complied on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

PROPOSITIONS

Each proposition submitted to authorize the issuance of bonds shall include the question of whether the Board may levy ad valorem taxes either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or
2. Sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in the District shall never exceed the rate stated in the proposition.

Education Code 45.003(b)

REFUNDING BONDS
AUTHORITY

The Board is authorized to refund or refinance all or any part of any of its outstanding bonds and interest thereon, payable from ad valorem taxes, by issuing refunding bonds payable from ad valorem taxes in accordance with legal requirements for the issuance.

Education Code 45.004; Gov't Code 1207

INSTRUCTIONAL
FACILITIES
REFUNDING BONDS

The District may use state funds received under Education Code Chapter 46 to pay principal of and interest on refunding bonds that:

1. Are issued to refund bonds eligible under Section 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;
3. May not be called for redemption earlier than the earliest call date of all bonds being refunded;
4. Result in a present value savings as defined in Education Code 46.007.

Education Code 46.007

LOCAL REVENUE SOURCES
BOND ISSUES

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AUTHORIZED
UNISSUED BONDS

If the District has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, the Board may call an election to determine whether the authorized bonds may be issued or sold for a different purpose or purposes specified in the election order. If a majority of those voting at the election favor the sale of the unissued bonds, the Board is authorized to issue the bonds and use the proceeds for the purpose or purposes stated in the election order. *Education Code 45.110*

GUARANTEED BONDS

The District may apply to the Commissioner of Education for approval to guarantee bonds issued in accordance with the provisions above or bonds issued under Government Code Chapter 1207, by the corpus and income of the permanent school fund. The application shall include:

1. The name of the District and the principal amount of the bonds to be issued;
2. The name and address of the financial institution designated by the District as its agent for payment of principal and interest for guaranteed bonds; and
3. The maturity schedule, estimated interest rate, and date of the bonds.

Education Code 45.051, 45.052, 45.054, 45.055

An application must be accompanied by a fee set by rule of the State Board in an amount designed to cover the costs of administering the program to provide the guarantee of eligible bonds. *Education Code 45.055(c)*

If approved, the guarantee of the bonds remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

CREDIT
ENHANCEMENT
PROGRAM

If the District's application for guarantee of District bonds is rejected, the District may apply for credit enhancement of bonds described by Education Code 45.054 by money appropriated for the Foundation School Program, other than money that is appropriated to school districts specifically:

1. As required under the Texas Constitution; or
2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

Education Code 45.252

LOCAL REVENUE SOURCES
BOND ISSUES

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ELIGIBILITY

To be eligible for approval by the Commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054; and
2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year.

Education Code 45.254

APPLICATION FOR
CREDIT
ENHANCEMENT

A district seeking credit enhancement of eligible bonds shall apply to the Commissioner using a form adopted by the Commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b); and
2. Be accompanied by a fee set by State Board rule in an amount designed to cover the costs of administering the program to provide the credit enhancement of eligible bonds.

Education Code 45.255

USE OF BOND
PROCEEDS FOR
UTILITIES

The proceeds of bonds issued by the District for the construction and equipment of school buildings in the District and the purchase of the necessary sites for school buildings may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company, whether or not the water, sewer, or gas lines adjoin the school, so that the District may provide its public school buildings the water, sewer, or gas services.

Education Code 45.101

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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MAINTENANCE TAX	The Board may levy, assess, and collect annual ad valorem taxes for the maintenance of the District's schools. <i>Education Code 45.002</i>
TAX RATE CAP	<p>If authorized by a majority of qualified voters of the District voting at an election held for that purpose, the District may impose a maintenance tax rate at a rate not to exceed the rate stated in the proposition. For any year, the maintenance tax rate per \$100 of taxable value adopted by the District may not exceed the rate equal to the sum of \$0.17 and the product of the state compression percentage, as determined under Education Code 42.2516, multiplied by \$1.50.</p> <p>A rate that exceeds this maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this subsection may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.</p> <p>Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value in the District as permitted by special law may not levy a maintenance tax at a rate that exceeds the rate per \$100 of taxable value that is equal to the sum of \$0.17 and the product of the state compression percentage, as determined under Education Code 42.2516, multiplied by the rate of the maintenance tax levied by the District for the 2005 tax year.</p> <p><i>Education Code 45.003(a), (d), (e), (f)</i></p>
APPRAISAL ROLL	<p>By August 1 or as soon thereafter as practicable, the District's tax assessor shall submit to the Board the District's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.</p> <hr/> <p>Note: The Texas comptroller of public accounts annually publishes <i>Truth in Taxation: A Guide for Setting School District Tax Rates</i>. School districts should consult the <i>Truth in Taxation</i> guide, available in print form or through the comptroller's Web site, for detailed guidance on setting local property tax rates.</p> <hr/> <p>By August 1 or as soon thereafter as practicable, the District's tax collector shall certify to the Board the estimates and amounts required by law.</p> <p><i>Tax Code 26.04(b)</i></p>
CERTIFIED ESTIMATE	By April 30, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. <i>Tax Code 26.01(e)</i>

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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MEETING ON BUDGET AND PROPOSED TAX RATE	<p>The Board shall call a public meeting to discuss and adopt its budget and proposed tax rate. The Board must provide notice of the budget and proposed tax rate meeting, as described below. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. [See CE]</p>
PUBLISHED NOTICE	<p>The Board President shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.</p>
FORM OF NOTICE	<p>The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.</p> <p>The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.</p>
TAXPAYER INJUNCTION	<p>If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.</p>
DISTRICTS WITH JULY 1 FISCAL YEAR	<p>A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of District property in preparing the published notice if the District does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the District may not adopt a tax rate before the District receives the certified appraisal roll for the District.</p> <p>After receipt of the certified appraisal roll, the District must publish a revised notice and hold another public meeting before the District may adopt a tax rate that exceeds:</p> <ol style="list-style-type: none">1. The rate proposed in the notice prepared using the estimate; or

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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2. The District's rollback rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004

TAX RATE

Before the later of September 30 or the 60th day after the date the certified appraisal roll is received, the Board shall adopt a tax rate for the current tax year that reflects the two components, maintenance and operations expenditures and the debt service rate published under Education Code 44.004(c)(5)(A)(ii)(b), and shall notify the assessor of the tax rate adopted. The two components shall be approved separately. *Tax Code 26.05(a)*

The Board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The budget shall be adopted before the adoption of the tax rate. *Tax Code 26.05(b); Education Code 44.004(g)*

EXCEPTION

The District may adopt a budget after the District adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the District elects to adopt a tax rate before receiving the certified appraisal roll for the District. The Board may adopt a tax rate for the current tax year before receipt of the certified appraisal roll if the chief appraiser of the appraisal district in which the District participates has, by April 30, certified to the assessor for the District an estimate of the taxable value of property in the District as provided by Education Code 26.01(e). If the District adopts a tax rate before the adoption of the budget, the effective tax rate and the rollback tax rate of the District shall be calculated based on the certified estimate of taxable value. *Education Code 44.004(j); Tax Code 26.01(e), 26.05(g)*

EFFECTIVE TAX RATE

The vote on the ordinance setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate."

MAINTENANCE AND
OPERATIONS TAX
RATE

If the ordinance sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the Board must include in the ordinance in type larger than the type used in any other portion of the document the following statement: "THIS

LOCAL REVENUE SOURCES
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TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

INTERNET POSTING The District shall also include on the home page of any Internet Web site operated by the District the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

Tax Code 26.05(b)

ELECTION TO RATIFY SCHOOL TAXES If the Board adopts a tax rate that exceeds the District's rollback tax rate as defined in Tax Code 26.08, the registered voters of the District at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money is necessary due to a natural disaster and the governor has requested federal disaster assistance, an election is not required.
Tax Code 26.08(a)

The Board shall order that the election be held in the District on a date not less than 30 or more than 90 days after the date on which it adopted the tax rate. The election need not be held on a uniform election date unless a uniform election date falls within the 30–90 day time period. *Tax Code 26.08(b)*

APPROVAL OF PROPOSITION If a majority of votes cast in the District favor the proposition, the tax rate for the current year is the rate that was adopted by the Board. If the proposition is not approved, the Board may not adopt a tax rate for the current year that exceeds the District's rollback tax rate. *Tax Code 26.08(c), (d)*

CALL FOR ELECTION A call for an election shall be made not later than the 62nd day before election day.

LOCAL REVENUE SOURCES
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EXCEPTIONS	<p>For an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day.</p> <p>An election under Tax Code 26.08 to ratify a tax rate adopted by the Board under Tax Code 26.05(g) shall be ordered not later than the 30th day before election day.</p> <p><i>Election Code 3.005 [See BBB]</i></p>
NOTICE TO COUNTY CLERK	<p>The Board shall deliver notice of the election to the county clerk of each county in which the District is located not later than the 60th day before election day.</p>
EXCEPTION	<p>If the Board orders an election under Tax Code 26.08 to ratify a tax rate adopted by the Board under Tax Code 26.05(g), the Board shall deliver notice of the election to the county clerk of each county in which the District is located not later than the 30th day before election day.</p> <p><i>Election Code 4.008</i></p>
PRECLEARANCE REQUIRED	<p>A rollback election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a rollback election or scheduling of events leading up to or following a rollback election is subject to the preclearance requirement. <i>28 CFR 51.17 [See BBB]</i></p>
DISCOUNTS	<p>The Board may adopt one or both of the following discount options for early payment of District taxes.</p>
OPTION 1	<p>If the Board adopts Option 1, the following apply regardless of the date on which the District mails its tax bills.</p> <ol style="list-style-type: none">1. Three percent if the tax is paid in October or earlier.2. Two percent if the tax is paid in November.3. One percent if the tax is paid in December. <p><i>Tax Code 31.05</i></p> <p>This discount does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c)</i></p>
OPTION 2	<p>If the Board adopts Option 2, the following discounts apply only when the District mails its tax bills after September 30:</p> <ol style="list-style-type: none">1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

BOTH OPTIONS

If the Board adopts both discount options, the discounts described at Option 1 apply unless the District mails its tax bills after September 30, in which case only the discounts described at Option 2 apply.

Tax Code 31.05

SPLIT PAYMENT

The Board may provide for split payment of taxes. If a person pays one-half of the taxes before December 1, he or she may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year. This payment option does not apply to taxes that are calculated too late for it to be available.

Tax Code 31.03, 31.04(c)

IN CERTAIN
COUNTIES

The board of a district located in a county having a population of 250,000 or more that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide that the split-payment option does not apply to the taxing unit's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

DISASTER AREA

Owners of certain property in a disaster area are permitted to pay taxes in installment payments. This option applies to:

1. Real property that:
 - a. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units, or is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity; and
 - b. Is located in a disaster area and has been damaged as a direct result of the disaster;
2. Tangible personal property that is owned or leased by a business entity described above at number 1(a); and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster.

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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If the owner of such property pays at least one-fourth of the taxes imposed on the property before the delinquency date, accompanied by notice that the person will pay the remaining taxes in installments, the owner may make the remainder of the payments in three equal installments. Such installment payments shall not incur penalty or interest if paid by the applicable dates provided for in the Tax Code.

Tax Code 31.032

PERFORMING
SERVICES IN LIEU OF
PAYING TAXES

The Board may permit certain individuals or business entities to provide certain services to the District in lieu of paying the District property taxes. While performing services for the District, the individual is not an employee of the District and is not entitled to any benefit, including workers' compensation coverage, that the District provides to its employees.

PERSONS 65 AND
OVER

Subject to the requirements contained in Tax Code 31.035, the Board by order or resolution may permit an individual who is at least 65 years of age to perform services for the taxing unit in lieu of paying taxes imposed by the District on property owned by the individual and occupied as the individual's residence homestead.

Tax Code 31.035

TEACHING
SERVICES BY
INDIVIDUAL

Subject to the requirements contained in Tax Code 31.036, the Board by resolution may permit qualified individuals, who are not employed by the District, to perform teaching services for the District at a junior high school or high school of the District in lieu of paying taxes imposed by the District on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

TEACHING
SERVICES BY
EMPLOYEE OF
BUSINESS ENTITY

Subject to the requirements contained in Tax Code 31.037, the Board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the District in lieu of paying taxes imposed by the District on property owned by the business entity. *Tax Code 31.037*

INSTALLMENT
PAYMENTS

CERTAIN
HOMESTEADS

An individual who is disabled or at least 65 and qualifies for a homestead exemption may pay taxes on the residence homestead property in installments. To do so, the individual must pay at least one-fourth of the taxes due before the delinquency date. This payment must be accompanied by notice that the individual will pay the remaining taxes in installments. The person may pay the remaining taxes without penalty or interest. The first installment must be paid before April 1, the second before June 1, and the third before August 1. *Tax Code 31.031*

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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PARTIAL PAYMENTS	<p>The tax collector may decide to accept partial payments of District property taxes. Acceptance of a partial payment does not affect the delinquency date, but penalties and interest are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. The discounts described above do not apply to any portion of a partial payment of District taxes. <i>Tax Code 31.07(c)</i></p>
DELINQUENCY DATE	<p>Taxes are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:</p> <ol style="list-style-type: none">1. The District has provided for split payments. <i>Tax Code 31.03</i>2. The District's tax bills are mailed after January 10. <i>Tax Code 31.04(a)</i>3. The District's tax bills are mailed after September 30 and the Board has adopted discounts provided by <i>Tax Code 31.05(c)</i>. <i>Tax Code 31.04(d)</i> <p><i>Tax Code 31.02</i></p>
DELINQUENT TAX COLLECTION	<p>The Board may contract with any competent attorney to represent the District to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. <i>Tax Code 6.30(c)</i></p>
ADDITIONAL PENALTIES	<p>If the District or the tax collector for the District has contracted with a private attorney for the collection of delinquent taxes, the Board may impose, by official action, an additional penalty on taxes that become delinquent on or after February 1 but not later than May 1 and remain delinquent on July 1 of the year in which they become delinquent. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall deliver notice to the property owner of the delinquency and the penalty 30 to 60 days before July 1. <i>Tax Code 33.07</i></p> <p>If the District or the tax collector for the District has imposed the penalty described above and has contracted with a private attorney for collection of delinquent taxes, the Board may impose, by official action, an additional penalty on all taxes that become delinquent on or after June 1 under <i>Tax Code 26.15(e)</i>, 31.03, 31.031, 31.032, or 31.04. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall send notice of the delinquency and the penalty to the property owner. The penalty is</p>

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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incurred on the first day of the first month that begins at least 21 days after the date the notice is sent. *Tax Code 33.08*

HOMESTEAD
EXEMPTIONS

An adult is entitled to exemption from taxation of \$15,000 of the appraised value of his residence homestead except that \$10,000 of the exemption does not apply to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995. An adult who is disabled or 65 or older is entitled to an additional \$10,000 exemption of the appraised value of his or her residence homestead. *Tax Code 11.13(b), (c)*

APPLICATION FOR
EXEMPTION

To receive the residence homestead exemptions, the person claiming the exemption must apply for the exemption. *Tax Code 11.43*

PERSONS 65
AND OVER OR
DISABLED
PERSONS

The District shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Section 11.13 of the Tax Code, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

OTHER
LIMITATIONS

Notwithstanding the other provisions of this section, if in the 2007 tax year an individual qualifies for a limitation on tax increases provided by this section on the individual's residence homestead and the first tax year the individual or the individual's spouse qualified for an exemption under Tax Code 11.13(c) for the same homestead was the 2006 tax year, the amount of the limitation provided by this section on the homestead in the 2007 tax year is equal to the amount computed as provided by Tax Code 11.26(a-1). *Tax Code 11.26(a-1)*

Notwithstanding the other provisions of this section, if in the 2007 tax year an individual qualifies for a limitation on tax increases provided by this section on the individual's residence homestead and the first tax year the individual or the individual's spouse qualified for an exemption under Tax Code 11.13(c) for the same homestead was a tax year before the 2006 tax year, the amount of the limitation provided by this section on the homestead in the 2007 tax year is equal to the amount computed as provided by Tax Code 11.26(a-2). *Tax Code 11.26(a-2)*

Except as provided at IMPROVEMENTS, below, a limitation on tax increases provided by this section on a residence homestead computed under Tax Code 11.26(a-1) or (a-2) continues to apply to the homestead in subsequent tax years until the limitation expires. *Tax Code 11.26(a-3)*

IMPROVEMENTS

The District may increase the taxes if improvements are made to the property, but that tax amount is then frozen. *Tax Code 11.26(b)*

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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PORTABILITY OF LIMITATION	If an individual who receives the 65-and-over limitation on tax increases subsequently qualifies for a different resident homestead, the District may impose taxes on the subsequently acquired homestead only in accordance with Tax Code 11.26. <i>Tax Code 11.26(g), (h)</i>
HOMESTEADS RENDERED UNINHABITABLE OR UNUSABLE	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)–(o). <i>Tax Code 11.135, 11.26(n)–(o)</i>
DISABLED VETERANS	A disabled veteran who receives from the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. <i>Tax Code 11.131</i>
ADDITIONAL EXEMPTIONS	The Board may grant additional tax exemptions for homesteads, historic sites, certain tax-exempt corporations, and charitable organizations, as provided by law. <i>Tax Code 11.13, 11.184, 11.24; Tex. Const. Art. VIII, Sec. 1-b</i>
NATURAL DISASTER	If the District is located partly or entirely inside an area declared by the governor to be a natural disaster area, the Board may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. <i>Tax Code 23.02(a)</i>
REINVESTMENT ZONES / TAX INCREMENT FINANCING	When a portion of the real property taxable by the District is proposed for inclusion in a municipal or county reinvestment zone, the Board shall be notified of a description of the proposed boundaries of the zone, the tentative plans for the development or redevelopment of the zone, and an estimate of the general impact of the proposed zone on property values and tax revenues. The District may request additional information from the governing body of the municipality or county proposing to designate a reinvestment zone, and Board members may attend the formal presentation required of the governing body of the municipality or county. Within 15 days of receipt of the notice, the Board shall designate a representative to meet with the governing body of the municipality or county proposing to designate a reinvestment zone to discuss the project plan and the reinvestment zone financing plan and shall notify the municipality or county governing body of its designation. <i>Tax Code 311.003(e), (f), (g)</i>

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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BOARD OF
DIRECTORS

The Board may appoint one member of the reinvestment zone's board of directors or may waive that right. *Tax Code 311.009(a)*

In certain reinvestment zones, the Board may be entitled to appoint more than one member of the reinvestment zone's board of directors. *Tax Code 311.0091(a), (b)*

When the reinvestment zone has been designated upon petition of property owners under Tax Code 311.005(a)(4), the Board may appoint a member or members, as appropriate, of the reinvestment zone's board of directors only if it has approved the payment of all or part of the tax increment produced by the District. *Tax Code 311.009(b), 311.0091(c)*

COLLECTION AND
DEPOSIT OF TAX
INCREMENTS

The District shall provide for the collection of its taxes in the zone as for any other property tax and shall pay into the zone's tax increment fund the amount specified by law. Notwithstanding any termination of the reinvestment zone, this payment shall be made no later than 90 days after the delinquency date for District property taxes, except that the District is not required to pay the portion attributable to delinquent taxes until those taxes are collected. The District shall not be required to pay a tax increment into the zone's tax increment fund beyond three years from the date the zone was created, except as provided by law. *Tax Code 311.013*

The District is not required to pay into the tax increment fund any of its tax increment produced from a reinvestment zone created upon petition of property owners under Tax Code 311.005(a) unless it enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(f)*

The District is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to a reinvestment zone under Tax Code 311.007 unless the Board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, the amount by which the amount of taxes the District would have been required to pay into the fund in the current year if the District levied taxes at the rate the District levied in 2005 exceeds the amount the District is otherwise required to pay into the fund in the year of the reduction. *Tax Code 311.013(n)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax incre-

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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ment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the Board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

GOODS-IN-TRANSIT

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit.

The Board may provide for the taxation of goods-in-transit exempt as set out above and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the Board must conduct a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution. The goods-in-transit remain subject to taxation by the District until the Board rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed above will apply to that District.

Tax Code 11.253

REINVESTMENT
ZONES — TAX
ABATEMENT

On or after September 1, 2001, the District may not enter into a tax abatement agreement under Chapter 312. *Tax Code 312.002(f)*

TEXAS ECONOMIC
DEVELOPMENT ACT

In order to attract large-scale capital investments, create new jobs, strengthen the economy, and expand the property tax base, districts may offer certain ad valorem tax benefits and financial benefits in accordance with the Texas Economic Development Act. *Tax Code 313*

Districts should strictly interpret the criteria and selection guidelines and approve only those applications for an ad valorem tax benefit or financial benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas as identified by the Texas Strategic Economic Development Planning Commission.

Tax Code 313.004(3)

Note: For complete information regarding the Texas Economic Development Act, refer to Tax Code Chapter 313.

LOCAL REVENUE SOURCES
APPRAISAL DISTRICT

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(LEGAL)

PARTICIPATION	The District shall participate in the appropriate countywide appraisal district or districts. <i>Tex. Const., Art. VIII, Sec. 18(b)</i>
ELECTION OF BOARD OF DIRECTORS	The Board shall participate in the election of the board of directors of the appraisal district or districts as provided by law.
ELIGIBILITY	<p>To be eligible to serve on the appraisal district board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit.</p> <p>A District employee is not eligible to serve on the board of directors unless the employee is also a member of another governing body or an elected official of a taxing unit that also participates in the appraisal district.</p> <p><i>Tax Code 6.03(a)</i></p>
RESTRICTIONS NEPOTISM	An individual is ineligible to serve on an appraisal district board of directors if the individual is related within the second degree by consanguinity or affinity, as determined under Government Code, Chapter 573, Subchapter B [see DBE], to an individual who is engaged in the business of appraising property for compensation for use in proceedings relating to property taxes or of representing property owners for compensation in proceedings relating to property taxes in the appraisal district.
DELINQUENT TAXES	<p>An individual is ineligible to serve on an appraisal district board of directors if the individual owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless the delinquent taxes and any penalties and interest are being paid under an installment payment agreement, or a suit to collect the delinquent taxes is deferred or abated.</p> <p><i>Tax Code 6.035(a)</i></p>
CONFLICT OF INTEREST	<p>An individual is not eligible to be appointed to or to serve on the board of directors of an appraisal district if the individual or a business entity in which the individual has a substantial interest is a party to a contract with:</p> <ol style="list-style-type: none">1. The appraisal district; or2. A taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity relating to property taxes.

LOCAL REVENUE SOURCES
APPRAISAL DISTRICT

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An individual has a substantial interest in a business entity if the combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or shares of the business entity or the individual or the individual's spouse is a partner, limited partner, or officer of the business entity.

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

Tax Code 6.036

RECALL

The Board, by resolution submitted to the county clerk, may call for the recall of a member of the board of directors of an appraisal district for whom the Board cast any of its votes in the appointment of the appraisal district board. *Tax Code 6.033*

APPRAISAL REVIEW
BOARD

An appraisal review board is established for each appraisal district, unless the boards of directors of two or more adjoining appraisal districts provide for the operation of a consolidated appraisal review board by interlocal contract. Members of the appraisal review board are appointed by the appraisal district board of directors.

Tax Code 6.41, 6.412

EXCEPTION

In a county with a population of 3.3 million or more or a county with a population of 350,000 or more that is adjacent to a county with a population of 3.3 million or more, the members of the board are appointed in accordance with Tax Code 6.41 by the local administrative district judge in the county in which the appraisal district is established. *Tax Code 6.41*

ANNUAL OPERATING BUDGET

CE
(LEGAL)

AUTHORIZED
EXPENDITURES

The District shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)*

The District shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall the District pay or authorize the payment of any claim against the District under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page and Bro., 48 S.W.2d 983 (Comm. App. 1932)*

The state and county available funds disbursed to the District shall be used exclusively for salaries of professional certified staff and for interest on money borrowed on short time to pay such salaries, when salaries become due before school funds for the current year become available. Loans for paying professional certified staff salaries may not be paid out of funds other than those for the current year. *Education Code 45.105(b)*

Local funds from District taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for salaries of any personnel and for purchasing appliances and supplies; for the payment of insurance premiums; for buying school sites; for buying, building, repairing, and renting school buildings, including acquisition of school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; and for other purposes necessary in the conduct of the public schools to be determined by the Board. *Education Code 45.105(c)*

No public funds of the District may be spent in any manner other than as provided for in the budget adopted by the Board. *Education Code 44.006(a)*

USE OF DISTRICT
RESOURCES

Except as provided by Education Code 45.109(a-1) and (a-2) [see CX], the Board shall not enter into an agreement authorizing the use of District employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the District. *Education Code 11.168*

The Board may not use state or local funds or other resources of the District to electioneer for or against any candidate, measure, or political party. *Education Code 11.169*

ANNUAL OPERATING BUDGET

CE
(LEGAL)

COMMITMENT OF
CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of the District's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

FISCAL YEAR

The Board may determine if the District's fiscal year begins on July 1 or September 1 of each year. *Education Code 44.0011*

BUDGET
PREPARATION

The Superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of the District for the following fiscal year. *Education Code 44.002*

DEADLINES

The proposed budget shall be prepared on or before a date set by the State Board of Education, currently August 20 (June 19 if the District uses a July 1 fiscal year start date). *Education Code 44.002(a); 19 TAC 109.1(a), 109.41*

The adopted budget must be filed with the Texas Education Agency on or before the date established in the *Financial Accountability System Resource Guide*. *Education Code 44.005; 19 TAC 109.1(a)*

PUBLIC MEETING ON
BUDGET AND
PROPOSED TAX RATE

After the proposed budget has been prepared, the Board President shall call a Board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of the District may be present and participate in the meeting. *Education Code 44.004(a), (f)* [See CCG for provisions governing tax rate adoption]

The meeting must comply with the notice requirements of the Open Meetings Act. *Gov't Code 551.041, 551.043*

PUBLISHED NOTICE

The Board President shall also provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

ANNUAL OPERATING BUDGET

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(LEGAL)

FORM OF NOTICE	<p>The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.</p> <p>The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.</p>
TAXPAYER INJUNCTION	<p>If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.</p> <p><i>Education Code 44.004(b)–(e)</i></p>
PUBLICATION OF PROPOSED BUDGET SUMMARY	<p>Concurrently with the publication of notice of the budget under Education Code 44.004, the District shall post a summary of the proposed budget on the District's Internet Web site or, if the District has no Internet Web site, in the District's central administrative office.</p> <p>The budget summary must include a comparison to the previous year's actual spending and information relating to per student and aggregate spending on:</p> <ol style="list-style-type: none">1. Instruction;2. Instructional support;3. Central administration;4. District operations;5. Debt service; and6. Any other category designated by the Commissioner. <p><i>Education Code 44.0041</i></p>
BUDGET ADOPTION	<p>The Board shall adopt a budget to cover all expenditures for the succeeding fiscal year at the meeting called for that purpose and before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. <i>Education Code 44.004(f)–(g)</i></p>
CERTIFIED ESTIMATE	<p>By April 30, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. <i>Tax Code 26.01(e)</i></p>

ANNUAL OPERATING BUDGET

CE
(LEGAL)

DISTRICTS WITH JULY 1 FISCAL YEAR	A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of District property in preparing the published notice if the District does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the District may not adopt a tax rate before the District receives the certified appraisal roll for the District. <i>Education Code 44.004(h)–(i)</i>
BUDGET ADOPTION AFTER TAX RATE ADOPTION	Notwithstanding Education Code 44.004(g), (h), and (i), above, the District may adopt a budget after the District adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the District elects to adopt a tax rate before receiving the certified appraisal roll for the District as provided by Tax Code 26.05(g). Following adoption of the tax rate [see CCG], the District must publish notice and hold a public meeting before the District may adopt a budget. The comptroller shall prescribe the language and format to be used in the notice. The District may use the certified estimate of taxable value in preparing the notice. <i>Education Code 44.004(j)</i>
PUBLICATION OF ADOPTED BUDGET	<p>On final approval of the budget by the Board, the District shall post on the District's Internet Web site a copy of the budget adopted by the Board. The District's Web site must prominently display the electronic link to the adopted budget.</p> <p>The District shall maintain the adopted budget on the District's Web site until the third anniversary of the date the budget was adopted.</p> <p><i>Education Code 39.084</i></p>
AMENDMENT OF APPROVED BUDGET	<p>The Board shall have the authority to amend the approved budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.</p> <p>Copies of any amendment or supplementary budget must be prepared and filed in accordance with State Board rules.</p> <p><i>Education Code 44.006</i></p>
FAILURE TO COMPLY WITH BUDGET REQUIREMENTS	A Board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor offense. <i>Education Code 44.052(c)</i>
CERTAIN DONATIONS	The District may donate funds or other property or service to the adjutant general's department or to the Texas National Guard. <i>Gov't Code 431.035(b), 431.045(b)</i>

ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

CFA
(LEGAL)

ACCOUNTING SYSTEM	<p>The Board must adopt and install a standard school fiscal accounting system that meets the minimum requirements prescribed by the State Board of Education; is consistent with state financial laws; does not misrepresent the nature, scope, or duration of the financial activities of the state or the District; may follow the statutory standards in Government Code Chapter 2264 when other accounting bases conflict with state law; and conforms with generally accepted accounting principles. <i>Education Code 44.007(a), (b); Gov't Code 2266.002; 19 TAC 109.1, 109.41</i></p>
REPORT OF REVENUES AND EXPENDITURES	<p>A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. The report shall include management, cost accounting, and financial information that will enable the State Board to monitor the funding process and determine educational costs by district, campus, and program. <i>Education Code 44.007(c), (d)</i></p>
FINANCIAL STATEMENT	<p>The Board shall prepare an annual financial statement that shows the following for each fund subject to its authority during the fiscal year:</p> <ol style="list-style-type: none">1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived.2. The total disbursements of the fund, itemized by the nature of the expenditure.3. The balance in the fund at the close of the fiscal year. <p><i>Local Gov't Code 140.005</i></p>
PUBLICATION	<p>The Board President shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the District. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the District, the financial statement shall be published in a newspaper in each county in which the District or any part of the District is located. The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends. <i>Local Gov't Code 140.006</i></p>
ANNUAL FINANCIAL MANAGEMENT REPORT	<p>The Commissioner shall develop a reporting procedure under which the District is required to prepare and distribute an annual financial management report. The annual financial management report prepared by the District must include a description of the District's financial management performance based on a compari-</p>

ACCOUNTING
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son, provided by TEA, of the District's performance on the indicators in Texas Administrative Code Title 19, Section 109.1002.

The public shall be given an opportunity to comment on the report at a hearing.

REPORT
REQUIREMENTS

The report shall contain information on state-established standards and the District's financial management performance under each indicator for the current and previous years' financial accountability ratings, along with a description of the data submitted using the electronic-based program developed under Education Code 39.0822 and any descriptive information required by the Commissioner including:

1. A copy of the Superintendent's current employment contract. The District may publish the Superintendent's employment contract on the District's Internet site in lieu of publication in the annual financial management report;
2. A summary schedule for the fiscal year (12-month period) of total reimbursements received by the Superintendent and each Board member, including transactions resulting from use of the District's credit card(s) to cover expenses incurred by the Superintendent and each Board member. The summary schedule shall separately report reimbursements for meals, lodging, transportation, motor fuel, and other items but not reimbursements for supplies and materials that were purchased for the operation of the District;
3. A summary schedule for the fiscal year of the dollar amount of compensation and/or fees received by the Superintendent from another school district or any other outside entity in exchange for professional consulting and/or other personal services. The schedule shall separately report the amount received from each entity;
4. A summary schedule for the fiscal year of the total dollar amount received by the executive officers and Board members of gifts that had an economic value of \$250 or more in the aggregate in the fiscal year. This reporting requirement only applies to:
 - a. Gifts received by the District's executive officers and Board members (and their immediate family as described by Government Code, Chapter 573, Subchapter B, as a person related to another person within the first degree by consanguinity or affinity) from an outside entity that received payments from the District in the prior fiscal year, and

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(LEGAL)

- b. Gifts from competing vendors that were not awarded contracts in the prior fiscal year.

This reporting requirement does not apply to reimbursement of travel-related expenses by an outside entity when the purpose of the travel is to investigate or explore matters directly related to the duties of an executive officer or Board member, or matters related to attendance at education-related conferences and seminars whose primary purpose is to provide continuing education; however, this exclusion does not apply to trips for entertainment-related purposes or pleasure trips. This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had an aggregate economic value of less than \$250 per executive officer or Board member; and

5. A summary schedule for the fiscal year of the dollar amount by Board member for the aggregate amount of business transactions with the District. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by Board members; and
6. Any other information the Board of Trustees of the District determines to be useful.

PUBLIC HEARING

The Board shall hold a public hearing on the report. The public hearing shall be held in the District's facilities within two months of receipt of a final financial accountability rating.

The Board shall give notice of the hearing to property owners and to parents of District students.

In addition to other notice required by law, notice of the hearing must be provided to a newspaper of general circulation in the District once a week for two weeks prior to holding the public meeting, providing the time and place where the hearing is to be held. The first notice in the newspaper may not be more than 30 days prior to or less than 14 days prior to the public meeting. If there is not a newspaper published in the county in which the District's central administration office is located, then the notice is to be published in the county nearest the county seat of the county in which the District's central administration office is located.

Notice of the hearing must also be provided through electronic mail to media serving the District.

At the hearing, the annual financial management report shall be disseminated to parents and taxpayers in attendance. The annual financial management report shall be retained in the District for at

ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

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least a three-year period after the public hearing and shall be made available to parents and taxpayers upon request.

CORRECTIVE ACTION
PLAN

A corrective action plan shall be filed with TEA by each school district that received a rating of Substandard Achievement or Suspended—Data Quality. The corrective action plan, prepared in accordance with the instructions from the Commissioner, is to be filed within one month after the District's public hearing.

DISSEMINATION

After the hearing, the report shall be disseminated in the District in the manner prescribed by the Commissioner.

Education Code 39.083; 19 TAC 109.1005

PROJECTED DEFICIT

If the review process under Education Code 39.0822 [see CFC] indicates a projected deficit for the District general fund within the following three school years, the District shall provide TEA interim financial reports, supplemented by staff and student count data, as needed, to evaluate the District's current budget status.

FINANCIAL PLAN

If the interim financial data substantiates the projected deficit, the District shall develop a financial plan and submit the plan to TEA for approval. TEA may approve the plan only if it determines the plan will permit the District to avoid the projected insolvency.

The Commissioner shall assign the District an accredited-warned status if:

1. The District fails to submit a financial plan;
2. The District fails to obtain approval from the agency for a financial plan;
3. The District fails to comply with a financial plan approved by TEA; or
4. TEA determines in a subsequent school year, based on financial data submitted by the District, that the approved plan for the District is no longer sufficient or is not appropriately implemented.

Education Code 39.0823

ACCOUNTING
AUDITS

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FISCAL ACCOUNTS	<p>The Board shall have the District's fiscal accounts audited annually at District expense by a Texas certified or public accountant holding a permit from the State Board of Public Accountancy.</p> <p>The audit shall be completed following the close of each fiscal year, and shall meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the District through the Public Education Information Management System (PEIMS).</p> <p><i>Education Code 44.008(a), (b)</i></p>
FINANCIAL ACCOUNTABILITY SYSTEM RESOURCE GUIDE (FASRG)	<p>The rules for financial accounting, including the selection of an auditor and the requirements for the audit, are described in the official TEA publication, <i>Financial Accountability System Resource Guide</i>, as amended, which is adopted as the State Board of Education's official rule. <i>19 TAC 109.41</i></p>
FILING OF REPORT	<p>A copy of the annual audit report, approved by the Board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If the Board does not approve the audit report, it shall nevertheless file a copy of it with TEA, accompanied by a statement detailing its reasons for failing to approve the report. <i>Education Code 44.008(d)</i></p>
FINANCIAL RECORDS	<p>Each treasurer receiving or having control of any school fund shall keep a full and separate itemized account of each of the different classes of school funds received, and these records shall be available to audit. <i>Education Code 44.008(c)</i></p>
FINANCIAL SOLVENCY	<p>TEA shall develop a review process to anticipate the future financial solvency of each school district. The review process shall analyze:</p> <ol style="list-style-type: none">1. District revenues and expenditures for the preceding school year; and2. Projected District revenues and expenditures for the current school year and the following two school years. <p>In analyzing the above information, the review process must consider, for the preceding school year, the current school year, and the following two school years, as appropriate:</p> <ol style="list-style-type: none">1. Student-to-staff ratios relative to expenditures, including average staff salaries;2. The rate of change in the District unreserved general fund balance;

ACCOUNTING
AUDITS

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3. The number of students enrolled in the District;
4. The adopted tax rate of the District;
5. Any independent audit report prepared for the District; and
6. Actual District financial information for the first quarter.

ELECTRONIC
SUBMISSION

TEA shall develop an electronic-based program for school districts to use in submitting information to the agency for purposes of this section. The District shall update information for purposes of the program within the period prescribed by the Commissioner.

ALERTS

The program must alert TEA immediately on the occurrence of:

1. A student-to-staff ratio that is significantly outside the norm;
2. A rapid depletion of the District general fund balance; and
3. A significant discrepancy between actual budget figures and projected revenues and expenditures.

TEA shall immediately notify the affected District regarding the condition triggering the alert.

Education Code 39.0822

ANNUAL AUDIT OF
DROPOUT RECORDS

The Commissioner shall develop a process for auditing District dropout records electronically. The Commissioner shall also develop a system and standards for review of the audit or use systems already available at TEA. The system must be designed to identify districts that are at high risk of having inaccurate dropout records and that, as a result, require on-site monitoring of dropout records.

If the electronic audit of the District's dropout records indicates that the District is not at high risk of having inaccurate dropout records, the District may not be subject to on-site monitoring. If the risk-based system indicates that the District is at high risk of having inaccurate dropout records, the District is entitled to an opportunity to respond to the Commissioner's determination before on-site monitoring may be conducted. The District must respond not later than the 30th day after the date the Commissioner notifies the District of the Commissioner's determination. If the District's response does not change the Commissioner's determination that the District is at high risk of having inaccurate dropout records or if the District does not respond in a timely manner, the Commissioner shall order TEA staff to conduct on-site monitoring.

Education Code 39.308(a)–(c)

PAYROLL PROCEDURES
SALARY DEDUCTIONS AND REDUCTIONS

CFEA
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The District shall make the following periodic deductions from its employees' salaries or wages or shall reduce its employees' salaries or wages in accordance with state law or salary reduction agreements executed between the District and its employees:

- | | |
|---|---|
| INCOME TAX | 1. The amount of income tax required by federal law. <i>26 U.S.C. 3401–3402</i> |
| MEDICARE TAX | 2. The amount of Medicare tax required by law (only those employees hired after March 31, 1986). <i>26 U.S.C. 3121(u)</i> |
| TEACHER
RETIREMENT SYSTEM | 3. The required contribution to the Teacher Retirement System of Texas in accordance with applicable law and rules. <i>Gov't Code Title 8; 34 TAC Chapter 25</i> |
| RETIRED SCHOOL
EMPLOYEES GROUP
INSURANCE FUND | 4. The required contribution to the retired school employees group insurance fund in accordance with applicable law and rules. <i>Insurance Code Chapter 1575</i> |
| CHILD SUPPORT
PAYMENTS | 5. The amount specified in an order or writ of withholding issued under Family Code Chapter 158 for child support payments. The amount withheld shall be remitted to the person or office named in the order on each regular due date or pay date. <i>Family Code Chapter 158</i>

The District may deduct an administrative fee of not more than \$10 from the employee's disposable earnings in addition to the amount withheld as child support. <i>Family Code 158.204</i> |
| SPOUSAL
MAINTENANCE | 6. The amount specified in an order or writ of withholding issued under Family Code Chapter 8 for spousal maintenance. The amount withheld shall be remitted to the person or office named in the order or writ on each regular pay date. <i>Family Code Chapter 8</i>

The District may deduct an administrative fee of not more than \$5 from the employee's disposable earnings in addition to the amount withheld as spousal maintenance. <i>Family Code 8.204</i> |
| PROFESSIONAL DUES | 7. The amount designated by an employee for payment of professional organization membership fees or dues. The employee shall file a written request identifying the organization, specifying the number of pay periods per year the deduction shall be made, and informing the District, either personally or by directing the organization to do so, of the total amount of dues or fees for each year. Deductions shall be made in equal amounts per pay period for the number of pay periods |

PAYROLL PROCEDURES
SALARY DEDUCTIONS AND REDUCTIONS

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specified by the employee until the employee requests in writing that the deductions be discontinued.

The District may charge an administrative fee for making the deduction, which shall not exceed the actual administrative cost or the lowest fee the District charges for similar salary deductions, whichever is less.

Education Code 22.001

SOCIAL SECURITY	8.	The amount of social security tax required by federal law (only designated employees). <i>26 U.S.C. 3101–3102, 3121(b)(7); 26 CFR 31.3121(b)(7)-2</i>
FEDERAL EDUCATION LOANS	9.	The amount directed in a withholding order issued by the Texas Guaranteed Student Loan Corporation or any other guaranty agency for federal education loans to recover delinquent federal education loan payments. The amount withheld shall be paid to the Texas Guaranteed Student Loan Corporation or the guaranty agency or its agent issuing the order. <i>20 U.S.C. 1095a(a)(6)</i>
PREPAID HIGHER EDUCATION TUITION PROGRAM	10.	Amounts designated by employees to prepay the tuition and required fees for a beneficiary to attend an institution of higher education. <i>Education Code 54.626</i>
HIGHER EDUCATION SAVINGS PLAN	11.	Amounts designated by employees as contributions to a higher education savings trust account established under the higher education savings plan. <i>Education Code 54.708</i>
ASSIGNMENTS	12.	The amount authorized by any employee who has made a valid assignment, transfer, or pledge of his or her salary or wages as security for indebtedness. <i>Education Code 22.002; Atty. Gen. Op. 0-3474 (1941)</i>
INSURANCE	13.	Contributions for participation in approved insurance programs. <i>Insurance Code 1579.253; Education Code 22.005</i> [See CRD]
DEFERRED COMPENSATION	14.	Amounts designated by employees for participation in approved deferred compensation or annuity programs. <i>Art. 6228a-5, V.A.T.S.; Gov't Code Chapter 609</i> [See CRG]
CAFETERIA PLANS	15.	Amounts designated by employees for participation in the District's cafeteria plan authorized under Section 125 of the Internal Revenue Code. <i>26 U.S.C. 125</i>
ADMINISTRATIVE FEE		If the District is required by state or federal law to deduct from the current wages of an employee an amount garnished under a withholding order, the District may deduct monthly an administrative

PAYROLL PROCEDURES
SALARY DEDUCTIONS AND REDUCTIONS

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fee from the employee's disposable earnings in addition to the amount required to be withheld under the withholding order.

The administrative fee may not exceed the lesser of:

1. The actual administrative cost incurred by the District in complying with the withholding order; or
2. \$10.

Civil Practice and Remedies Code 63.006

SAFETY PROGRAM/RISK MANAGEMENT

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SAFETY AND
SECURITY
COMMITTEE

In accordance with guidelines established by the Texas School Safety Center (TxSSC), the District shall establish a school safety and security committee. The committee shall:

1. Participate on behalf of the District in developing and implementing emergency plans consistent with the District multi-hazard emergency operations plan to ensure that the plans reflect specific campus, facility, or support services needs;
2. Provide the District with any campus, facility, or support services information required in connection with a safety and security audit, a safety and security audit report, or another report required to be submitted by the District to the TxSSC; and
3. Review each report required to be submitted by the District to the TxSSC to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the center.

Education Code 37.109

SAFETY AND
SECURITY AUDIT

At least once every three years, the District shall conduct a safety and security audit of the District's facilities. To the extent possible, the District shall follow safety and security audit procedures developed by the TxSSC or a comparable public or private entity. The District shall report the results of the safety and security audit to the Board and, in the manner required by the TxSSC, to the TxSSC.
Education Code 37.108 (b)–(c)

DISCLOSURE

Except as provided by Education Code 37.108(c-2) regarding certain emergency operations plans [see CKC], any document or information collected, developed, or produced during a safety and security audit is not subject to disclosure under Government Code Chapter 552. *Education Code 37.108(c-1)*

AGREEMENTS

Each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security shall, at the TxSSC's request, provide the following information to the TxSSC:

1. The name of each entity with which the District has entered into a memorandum of understanding or mutual aid agreement;
2. The effective date of each memorandum or agreement; and
3. A summary of each memorandum or agreement.

Education Code 37.2121

SAFETY PROGRAM/RISK MANAGEMENT
EMERGENCY PLANS

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EMERGENCY
OPERATIONS PLAN

The District shall adopt and implement a multihazard emergency operations plan for use in the District's facilities. The plan must address mitigation, preparedness, response, and recovery as defined by the Commissioner in conjunction with the governor's office of homeland security. The plan must provide for:

1. District employee training in responding to an emergency;
2. Mandatory school drills and exercises to prepare District students and employees for responding to an emergency;
3. Measures to ensure coordination with the Texas Department of State Health Services (TDSHS) and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and
4. The implementation of a required safety and security audit [see CK].

TRAIN DERAILMENT

The District shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a District school. The District is only required to adopt the policy if a District school is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. The District may use any available community resources in developing the policy.

DISCLOSURE

A document relating to a school multihazard emergency operations plan is subject to disclosure under Government Code Chapter 552 if the document enables a person to:

1. Verify that the District has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the District to respond to an emergency, including TDSHS, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the District's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the four phases of emergency management listed at EMERGENCY OPERATIONS PLAN;
4. Verify that District employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

SAFETY PROGRAM/RISK MANAGEMENT
EMERGENCY PLANS

CKC
(LEGAL)

5. Verify that each campus in the District has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. Verify that the District has established a plan for responding to a train derailment if required [see TRAIN DERAILMENT];
7. Verify that the District has completed a safety and security audit and determine the date the audit was conducted, the person conducting the audit, and the date the District presented the results of the audit to the Board;
8. Verify that the District has addressed any recommendations by the Board for improvement of the plan and determine the District's progress within the last 12 months; and
9. Verify that the District has established a visitor policy and identify the provisions governing access to a District building or other District property.

Education Code 37.108(a), (c-2)–(d)

[See GRC for emergency management training requirements and response to requests from other governmental entities for mutual aid]

TRANSPORTATION MANAGEMENT
DISTRICT VEHICLES

CNB
(LEGAL)

AUTHORIZATION TO
PURCHASE OR LEASE
VEHICLES

The District may purchase school motor vehicles through the comptroller or through competitive bidding. *Education Code 34.001(a)* [See CH]

Each contract proposed to be made by the District for the purchase or lease of one or more school buses must be submitted to competitive bidding when the contract is valued at \$20,000 or more. *Education Code 44.031(l)*

When a contract for the purchase of school buses is valued at \$20,000 or more, the contract must be made either through competitive bidding or by purchasing the buses through the comptroller. *Atty. Gen. Op. LO-98-063 (1998)*

PAYMENT

If the Board is unable to pay immediately for a vehicle, it may, subject to the provisions of law, issue time warrants in amounts sufficient to make such payments. *Education Code 34.005*

The Board may issue bonds to purchase new school buses. *Education Code 45.001* [See CCA]

NEW VAN
PURCHASES OR
LEASES

A school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multi-function school activity buses under federal law. This provision does not apply in some limited circumstances, including the purchase or lease of a 15-passenger van under a contract executed before August 10, 2005, the date of enactment of this provision. *49 U.S.C. 30112*

MAINTENANCE

School buses operated by the District shall be maintained and inspected as required by the Transportation Code. *Trans. Code Chapter 548*

CONTRACTS FOR
USE, ACQUISITION, OR
LEASE OF SCHOOL
BUS

The Board may contract with any person for use, acquisition, lease, or lease with option or options to purchase school buses, if the Board determines such a contract to be economically advantageous to the District. Such a contract may have any lawful term of not less than two or more than ten years. Competitive bidding requirements apply to each contract for the purchase or lease of a school bus, including a lease with an option to purchase, when the contract is valued at \$20,000 or more. A school bus that is leased or leased with an option to purchase must meet or exceed safety standards set out in Education Code 34.002. *Education Code 34.009, 44.031(l)* [See CH]

REGISTRATION

District-owned vehicles used exclusively for the District are exempt from the state registration fee; however, they shall be registered in

TRANSPORTATION MANAGEMENT
DISTRICT VEHICLES

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accordance with general statutes relating to motor vehicle registration. *Trans. Code 502.202*

IDENTIFICATION

Exempt license plates shall not be issued to vehicles unless the applicant for registration certifies in writing that the name of the District is printed on each side of the vehicle, in letters that are at least two inches high or in an emblem that is at least 100 square inches in size. The letters or emblem must be of a color sufficiently different from the body of the vehicle to be clearly legible from a distance of 100 feet. *Trans. Code 502.2015*

MAINTENANCE

School buses operated by the District shall be maintained and inspected as required by the Transportation Code. *Trans. Code Chapter 548*

SCHOOL BUS
ADVERTISING

The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety-warning equipment. A school bus that violates this section or rules adopted under this section shall be placed out of service until it complies. *Trans. Code 547.701(d)*

ADVERTISING
RULES

The District may allow advertisements on school buses in accordance with rules adopted by the Texas Department of Public Safety (DPS) at 37 TAC 14.61–14.65. The rules apply to all school buses used to transport preprimary, primary, and secondary public school students. *37 TAC 14.61*

“ADVERTISEMENT”

For purposes of this policy, “advertisement” means any communication brought to the attention of the public by paid announcement or in return for public recognition in connection with an event or offer or sale of a product or service, except for a single-line listing of the District name and/or a school or manufacturer logo approved by the Texas Department of Public Safety. *37 TAC 14.1(1)*

MATERIAL AND
LOCATION

Advertisements must be of a material and in a location specified in the rules. *37 TAC 14.62–14.64*

ANNUAL NOTICE

By September 1, districts involved in an advertising program shall provide to the School Bus Transportation Safety Unit at DPS written notification of the number of school buses operated by or for the District that display exterior advertising or another paid announcement. *37 TAC 14.65(a)(1), (b)*

DELIVERY OF
NOTICE

Notices to DPS may be delivered by facsimile at (512) 424-2238, electronic mail at sbt@txdps.state.tx.us, or mailed to the School Bus Transportation Safety Unit, Texas Department of Public Safety, Box 4087, Austin, TX 78773-0252. *37 TAC 14.65(d)*

TRANSPORTATION MANAGEMENT
DISTRICT VEHICLES

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NONSCHOOL USE

The Board may contract with nonschool organizations for use of school buses. *Education Code 34.010(a)*

The Board may provide services for the maintenance and operation of buses used by nonschool organizations in accordance with the contracts for such use. *Education Code 34.010*

SALE OF BUSES

If the District so requests, the comptroller shall dispose of a school bus, but the District is not required to dispose of a bus through the comptroller. *Education Code 34.006*

ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

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PEIMS	<p>The District shall participate in the Public Education Information Management System (PEIMS) and through that system shall provide information required for the administration of the Foundation School Program and of other appropriate provisions of the Education Code. The PEIMS data standards, established by the Commissioner, shall be used by the District to submit information. <i>Education Code 42.006; 19 TAC 61.1025</i></p>
CHILDREN'S INTERNET PROTECTION ACT	<p>Under the Children's Internet Protection Act (CIPA), the District must, as a prerequisite to receiving universal service discount rates, implement certain Internet safety measures and submit certification to the Federal Communications Commission (FCC). <i>47 U.S.C. 254</i> [See UNIVERSAL SERVICE DISCOUNTS, below, for details]</p> <p>Districts that do not receive universal service discounts but do receive certain federal funds under the Elementary and Secondary Education Act (ESEA) must, as a prerequisite to receiving these funds, implement certain Internet safety measures and submit certification to the Department of Education (DOE). <i>20 U.S.C. 6777</i> [See ESEA FUNDING, below, for details]</p>
DEFINITIONS	<p>"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:</p> <ol style="list-style-type: none">1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. <p><i>47 U.S.C. 254(h)(7)(G); 20 U.S.C. 6777(e)(6)</i></p> <p>"Technology protection measure" means a specific technology that blocks or filters Internet access. <i>47 U.S.C. 254(h)(7)(I)</i></p>
UNIVERSAL SERVICE DISCOUNTS	<p>An elementary or secondary school having computers with Internet access may not receive universal service discount rates unless the District implements an Internet safety policy, submits certifications to the FCC, and ensures the use of computers with Internet access in accordance with the certifications. <i>47 U.S.C. 254(h)(5)(A); 47 CFR 54.520</i></p> <p>"Universal service" means telecommunications services including Internet access, Internet services, and internal connection services</p>

ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

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and other services that are identified by the FCC as eligible for federal universal service support mechanisms. *47 U.S.C. 254(c), (h)(5)(A)(ii)*

INTERNET SAFETY
POLICY

The District shall adopt and implement an Internet safety policy that addresses:

1. Access by minors to inappropriate matter on the Internet and the World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including "hacking," and other unlawful activities by minors on-line;
4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors' access to materials harmful to minors.

47 U.S.C. 254(l)

As part of its Internet safety policy, the District must educate minors about appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms and cyberbullying awareness and response. *47 U.S.C. 254(h)(5)(B)(iii)*

PUBLIC HEARING

The District shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy. *47 U.S.C. 254(h)(5)(A), (l)(1)*

"INAPPROPRIATE
FOR MINORS"

A determination regarding what matter is inappropriate for minors shall be made by the Board or designee. *47 U.S.C. 254(l)(2)*

TECHNOLOGY
PROTECTION
MEASURE

In accordance with the appropriate certification, the District shall operate a technology protection measure that protects minors against access to visual depictions that are obscene, child pornography, or harmful to minors; and protects adults against access to visual depictions that are obscene or child pornography. *47 U.S.C. 254(h)(5)(B), (C)*

MONITORED USE

In accordance with the appropriate certification, the District shall monitor the on-line activities of minors. *47 U.S.C. 254(h)(5)(B)*

CERTIFICATIONS TO
THE FCC

To be eligible for universal service discount rates, the District shall certify to the FCC, in the manner prescribed at 47 CFR 54.520, that:

1. An Internet safety policy has been adopted and implemented.

ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

CQ
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2. With respect to use by minors, the District is enforcing the Internet safety policy, educating minors about appropriate on-line behavior as part of its Internet safety policy, and operating a technology protection measure during any use of the computers.
3. With respect to use by adults, the District is enforcing an Internet safety policy and operating a technology protection measure during any use of the computers, except that an administrator, supervisor, or other person authorized by the District may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose.

47 U.S.C. 254(h)(5); 47 CFR 54.520

ESEA FUNDING

Federal funds made available under Title II, Part D of the ESEA for an elementary or secondary school that does not receive universal service discount rates may not be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet unless the District:

1. Has in place a policy of Internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and enforces the operation of the technology protection measure during any use by minors of its computers with Internet access; and
2. Has in place a policy of Internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with Internet access.

The District may disable the technology protection measure to enable access to bona fide research or for another lawful purpose.

CERTIFICATION TO
DOE

The District shall certify its compliance with these requirements to the DOE as part of the annual application process for each program funding year under the ESEA.

20 U.S.C. 6777

TRANSFER OF
EQUIPMENT TO
STUDENTS

The District may transfer to a student enrolled in the District:

1. Any data processing equipment donated to the District, including equipment donated by a private donor, a state elec-

ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

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mosynary institution, or a state agency under Government Code 2175.128;

2. Any equipment purchased by the District; and
3. Any surplus or salvage equipment owned by the District.

Education Code 32.102(a)

Before transferring data processing equipment to a student, the District must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the District;
2. Determine that the transfer serves a public purpose and benefits the District; and
3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the District.

Education Code 32.104

DONATIONS

The District may accept:

1. Donations of data processing equipment for transfer to students; and
2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

USE OF PUBLIC FUNDS

The District may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and
2. Store, transport, or transfer data processing equipment under this policy.

Education Code 32.105

ELIGIBILITY

A student is eligible to receive data processing equipment under this policy only if the student does not otherwise have home access to data processing equipment, as determined by the District. The District shall give preference to educationally disadvantaged students. *Education Code 32.103*

RETURN OF EQUIPMENT

Except as provided below, a student who receives data processing equipment from the District under this policy shall return the equipment to the District not later than the earliest of:

1. Five years after the date the student receives the equipment;

ELECTRONIC COMMUNICATION AND DATA MANAGEMENT

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2. The date the student graduates;
3. The date the student transfers to another district; or
4. The date the student withdraws from school.

If, at the time the student is required to return the equipment, the District determines that the equipment has no marketable value, the student is not required to return the equipment.

Education Code 32.106

UNIFORM
ELECTRONIC
TRANSACTIONS ACT

The District may agree with other parties to conduct transactions by electronic means. Any such agreement or transaction must be done in accordance with the Uniform Electronic Transactions Act.
Business and Commerce Code Chapter 322

SECURITY BREACH
NOTIFICATION

A district that owns, licenses, or maintains computerized data that includes sensitive personal information shall comply, in the event of a breach of system security, with the notification requirements of Business and Commerce Code 521.053 to the same extent as a person who conducts business in this state. *Local Gov't Code 205.010*

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

DEFERRED
COMPENSATION –
SECTION 457

The District, either alone or by contract with other political subdivisions, may create and administer a deferred compensation plan, the federal income tax treatment of which is governed by Section 457 of the Internal Revenue Code of 1986, and its subsequent amendments, for its employees and may assess a fee on each participating employee for administering the plan.

The organization and implementation of such a deferred compensation plan shall be in accordance with Chapter 609, Subchapter B, Government Code.

Gov't Code Ch. 609

A political subdivision may contract with an employee of the political subdivision for the deferment of any part of the employee's compensation.

Except as provided by Government Code 609.5025, to participate in a deferred compensation plan, an employee must consent in the contract to automatic payroll deductions in an amount equal to the deferred amount.

Gov't Code 609.007(a), (c)

ANNUITIES – SECTION
403(b)

The District may enter into an agreement with an employee to reduce the employee's salary for the purposes of making direct contributions to or purchases of an annuity or investment product that meets the requirements of Internal Revenue Code Section 403(b) and otherwise satisfies the definition of "qualified investment product." The District may enter into a salary reduction agreement only if the qualified investment product is an eligible qualified investment and is registered with the Teacher Retirement System (TRS) under V.A.T.S. Article 6228-5, Section 8A. *Art. 6228a-5, Sec. 4(7), 5(a), V.A.T.S.*

DEFINITIONS

"Eligible qualified investment" means a qualified investment product offered by a company that:

1. Is certified to TRS under V.A.T.S. Article 6228-5, Section 5; or
2. Is eligible to certify to TRS under V.A.T.S. Article 6228-5, Section 8.

A "certified company" is a company that meets all TRS certification requirements. Certified companies shall be placed on the TRS list of certified companies as long as the certification has not expired or been rejected or revoked. *34 TAC 53.1(3)*

"Qualified investment product" means an annuity or investment that:

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

1. Meets the requirements of Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
2. Complies with applicable federal insurance and securities laws and regulations; and
3. Complies with applicable state insurance and securities laws and rules.

“Salary reduction agreement” means an agreement between the District and an employee to reduce the employee’s salary for the purpose of making direct contributions to or purchases of a qualified investment product.

Art. 6228a-5, Sec. 4 (3), (5), (7), V.A.T.S.

EMPLOYEE
DESIGNATION

An employee is entitled to designate any agent, broker, or company through which a qualified investment product may be purchased or contributions may be made.

PAYROLL
DEDUCTION

To the greatest degree possible, the District shall require that contributions to eligible qualified investments be made by automatic payroll deduction and deposited directly in the investment accounts.

Art. 6228a-5, Sec. 5(e), (f), V.A.T.S.

PROHIBITIONS ON
DISTRICT

The District may not:

1. Refuse to enter into a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction is an eligible qualified investment and is registered with TRS under V.A.T.S. Article 6228-5, Section 8A, except as provided by item 8 below and unless:
 - a. The eligible qualified investment product that is the subject of the salary reduction agreement is offered by a company that does not comply with the District’s administrative requirements;
 - b. The District imposes the administrative requirements uniformly on all companies that offer eligible qualified investment products; and
 - c. The administrative requirements are necessary to comply with employer responsibilities imposed by:
 - (1) Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
 - (2) Any other provision of the Internal Revenue Code of 1986 that applies to Section 403(b);

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

- (3) Any regulation adopted in relation to a law described by subsection (1) or (2) that is effective after December 31, 2007; or
 - (4) Any change to V.A.T.S. Article 6228-5 that becomes effective after January 1, 2007;
- 2. Require or coerce an employee's attendance at any meeting at which qualified investment products are marketed;
- 3. Limit the ability of an employee to initiate, change, or terminate a qualified investment product at any time the employee chooses;
- 4. Grant exclusive access to an employee by discriminating against or imposing barriers to any agent, broker, or company that provides qualified investment products;
- 5. Grant exclusive access to information about an employee's financial information, including information about an employee's qualified investment products, to a company or agent or affiliate of a company offering qualified investment products unless the employee consents in writing to the access;
- 6. Accept any benefit from a company or from an agent or affiliate of a company that offers qualified investment products;
- 7. Use public funds to recommend a qualified investment product offered by a company or an agent or affiliate of a company that offers a qualified investment product; or
- 8. Enter into or continue a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction agreement is not an eligible qualified investment, including the investment product of a company whose certification has been denied, suspended, or revoked without first providing the employee with notice in writing that:
 - a. Indicates the reason the subject of the salary reduction agreement is no longer an eligible qualified investment or why certification has been denied, suspended, or revoked; and
 - b. Clearly states that by signing the notice the employee is agreeing to enter into or continue the salary reduction agreement.

Art. 6228a-5, Sec. 9, V.A.T.S.

RENTING OR LEASING FACILITIES FROM OTHERS

CX
(LEGAL)

DESIGN OR
CONSTRUCTION OF
AN INSTRUCTIONAL
OR ATHLETIC FACILITY

The District and an institution of higher education, as defined by Education Code 61.003, located wholly or partially in the boundaries of the county in which the District is located, may contract for the District to contribute District resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. The District may contribute District resources only if the District and the institution of higher education enter into a written agreement authorizing the District to use that facility.

One or more independent school districts and an institution of higher education, as defined by Education Code 61.003, may contract for the District to contribute District resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. The District may contribute District resources under this subsection only if the District and the institution of higher education enter into a written agreement authorizing the District to use that facility, including authorizing the enrollment of District students in courses offered at that facility.

USE OF ATHLETIC
FACILITIES

The Board may enter into a contract on behalf of the District with any corporation, or any city, or any state university or college located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the other entity. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties.

The District may enter into a contract for the use of athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public schools of the District.

MAINTENANCE TAX
LEVY AUTHORIZATION

The consideration for any contract under Education Code 45.109 may be paid from any source available to the District; but, if voted, the Board may pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of the consideration. If so voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to the District for other maintenance taxes.

ELECTION
PROCEDURES

No maintenance tax shall be pledged to the payment of any contract under Education Code 45.109 or assessed, levied, or collected unless an election is held and the tax is approved by a majority of the resident, qualified electors of the District, voting at said election. The election order shall state the date of the election, the

RENTING OR LEASING FACILITIES FROM OTHERS

CX
(LEGAL)

proposition to be voted on, the polling places, and any other matters deemed advisable by the Board.

Education Code 45.109

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. A decision by a campus intervention team that the employee not be retained at a reconstituted campus. [See AIC]
11. The employee is not retained at a campus that has been repurposed in accordance with law. [See AIC]
12. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
13. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
14. Failure to meet the District's standards of professional conduct.
15. Failure to report 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]

16. 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]
17. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
18. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
19. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
20. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
21. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
22. A significant lack of student progress attributable to the educator.
23. Behavior that presents a danger of physical harm to a student or to other individuals.
24. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
25. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
26. Falsification of records or other documents related to the District's activities.
27. Falsification or omission of required information on an employment application.
28. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

29. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.
30. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
31. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
32. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
33. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
34. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS
FROM
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. Each administrator's recommendation for nonrenewal shall be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S
RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal.

The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations. If the Board votes to propose nonrenewal for any employees, it shall also decide whether any requested hearing will be conducted by the Board or by an independent hearing examiner.

NOTICE OF
PROPOSED
NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed nonrenewal not later than the 45th day before the last day of instruction required in the contract.

If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

notice of all reasons for the proposed nonrenewal, a reasonable time before the hearing.

In the notice of proposed nonrenewal, the employee shall receive notice of whether the Board [see HEARING BY THE BOARD, below] or an independent hearing examiner [see HEARING BY A HEARING EXAMINER, below] will conduct the hearing.

HEARING BY A
HEARING EXAMINER

If the Board has determined that the nonrenewal hearing will be conducted by an independent hearing examiner, the employee must file a written request with the Commissioner of Education not later than the 15th day after receiving the notice of the proposed nonrenewal. The employee must provide a copy of this request to the Board.

HEARING
PROCEDURE

The hearing shall be conducted in accordance with the independent hearing procedures detailed at DFD.

BOARD DECISION

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

HEARING BY THE
BOARD

If the Board has chosen to conduct the nonrenewal hearing rather than use an independent hearing examiner, and the employee desires a hearing, the employee shall notify the Board in writing not later than the 15th day after receiving the notice of proposed nonrenewal. The hearing shall be held not later than the 15th day after receipt of the employee's request for a hearing, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING
PROCEDURE

Unless the employee requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

BOARD DECISION

The Board may consider only evidence presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

NO HEARING

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

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LEGAL)

RESIGNATION
WITHOUT CONSENT
(UNILATERAL
RESIGNATION)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave District employment at the end of the school year without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to the Board President or the Board's designee at the post office address of the District is considered filed at the time of mailing.

Education Code 21.105(a), 21.160(a), 21.210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with the District and the District cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the District has not accepted the resignation. Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 034-R9-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-R1-503 (Nov. 30, 2006)

RESIGNATION WITH
CONSENT

The educator may resign, with the consent of the Board or the Board's designee, at any other time. *Education Code 21.105(b), 21.160(b), 21.210(b)*

SANCTIONS FOR
ABANDONMENT OF
CONTRACT

On written complaint by the District, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105(c), 21.160(c), 21.210(c)

Acceptance or approval of a resignation indicates consent to abandonment of contract. Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless the Board:

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LEGAL)

1. Renders a finding that good cause did not exist for the employee's resignation; and
2. Submits a written complaint to SBEC within 30 calendar days after the educator separates from employment.

19 TAC 249.14(f)

NOTICE TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent must file a report with SBEC not later than the seventh day after the Superintendent first obtains or has knowledge of information indicating that an educator resigned and reasonable evidence supported a recommendation by the Superintendent to terminate the educator because he or she committed one of the acts specified at Education Code 21.006(b).

Before accepting the educator's resignation, the Superintendent shall inform the educator in writing that a report will be filed that may result in sanctions against the employee's certificate.

The Superintendent shall notify the Board prior to filing a report of a resignation with SBEC.

Education Code 21.006(b), (c), (d); 19 TAC 249.14(d) [See DF]

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

GENERAL
REQUIREMENTS

All resignations shall be submitted in writing to the Superintendent or designee. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

AT-WILL EMPLOYEES

The Superintendent or designee shall be authorized to accept the resignation of an at-will employee at any time.

CONTRACT
EMPLOYEES

The Superintendent or designee shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. The resignation is accepted upon receipt.

The Superintendent or designee shall be authorized to accept a contract employee's resignation submitted or effective at any other time. The Superintendent or designee shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.

WITHDRAWAL OF
RESIGNATION

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

EDUCATOR ETHICS	<p>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.</p> <p>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.</p> <p><i>Education Code 21.041(8); 19 TAC 247.1, 247.2</i></p>
REPORT TO SBEC OF EDUCATOR MISCONDUCT	<p>The Superintendent shall promptly notify SBEC in writing by filing a report with SBEC not later than the seventh day after the Superintendent first learns about a criminal record or an alleged incident of misconduct, as described at DF, involving a certified educator.</p> <p>The Superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code, Chapter 552. [See GBAA]</p> <p><i>Education Code 21.006; 19 TAC 249.14</i></p>
PUBLIC SERVANTS	<p>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. <i>Penal Code 1.07(a)(41), Title VIII</i> [See DBD and BBFA]</p>
TOBACCO USE PROHIBITED	<p>The Board shall prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property.</p>
ENFORCEMENT	<p>The Board shall ensure that District personnel enforce the policies on school property.</p> <p><i>Education Code 38.006(1)(3)</i> [See also FNCD and GKA]</p>
DRUG AND ALCOHOL ABUSE PROGRAM	<p>The Board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property.</p> <p><i>Education Code 38.007(a)</i></p>
FEDERAL DRUG- FREE WORKPLACE ACT	<p>A district that receives a direct federal grant must agree to provide a drug-free workplace by:</p> <ol style="list-style-type: none">1. Publishing a statement notifying employees of the requirements of the federal Drug-Free Workplace Act (DFWA) and requiring that each employee be given a copy of the statement [see DI(EXHIBIT)];

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

2. Establishing a drug-free awareness program for employees pursuant to the DFWA;
3. Notifying the granting agency within ten days after receiving notice that an employee has been convicted under a criminal drug statute;
4. Imposing a sanction on an employee who is convicted of such a violation, or requiring the employee's satisfactory participation in a drug abuse or rehabilitation program; and
5. Making a good faith effort to continue to maintain a drug-free workplace.

41 U.S.C. 702(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

EMPLOYEE WELFARE

DI
(LOCAL)

DRUG-FREE
AWARENESS
PROGRAM

The District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:

1. The dangers of drug use and abuse in the workplace.
2. The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]
3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.
4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DI(EXHIBIT)]

EMPLOYEE
RESPONSIBILITY

All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.

DRUG-FREE WORKPLACE NOTICE

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Sanctions may include:

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

As a condition of employment, an employee shall:

- Abide by the terms of this notice; and
- Notify the Superintendent, in writing, if the employee is convicted for a violation of a criminal drug statute occurring in the workplace. The employee must provide the notice in accordance with DH(LOCAL).

[This notice complies with the requirements of the federal Drug-Free Workplace Act (41 U.S.C. 702).]

PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

FREQUENCY	<p>The employment policies adopted by the Board must require a written evaluation at annual or more frequent intervals of each superintendent, principal, supervisor, counselor, or other full-time, certified professional employee, and nurse. <i>Education Code 21.203(a)</i></p>
ADMINISTRATOR APPRAISAL	<p>The District shall appraise each administrator annually using either:</p> <ol style="list-style-type: none">1. The Commissioner's recommended appraisal process and performance criteria; or2. An appraisal process and performance criteria developed by the District in consultation with the District- and campus-level committees and adopted by the Board. <p>District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months.</p> <p><i>Education Code 21.354(c), (d)</i></p>
PRINCIPALS	<p>The information in the annual report describing the educational performance of each campus [see AIB] shall be a primary consideration of the Superintendent in evaluating campus principals. In addition, the appraisal of a principal shall include consideration of the student achievement indicators and the campus's objectives, including performance gains of the campus and the maintenance of those gains. <i>Education Code 21.354(e)</i></p>
COUNSELORS	<p>The Commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors.</p>
CONFIDENTIALITY OF EVALUATION	<p>A document evaluating the performance of an administrator is confidential.</p> <p><i>Education Code 21.355</i></p>
APPRAISAL PROCEDURES	<p>The following procedures for administrator appraisal are minimum requirements.</p> <p>The District shall establish an annual calendar providing for the following activities, which shall involve both the administrator and the appraiser:</p> <ol style="list-style-type: none">1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.2. Formative conference.3. Summative conference. <p><i>19 TAC 150.1022(a)</i></p>

PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

APPRAISAL
INSTRUMENT AND
PROCESS

The District shall involve appropriate administrators in developing, selecting, or revising the appraisal instruments and process.

Before conducting appraisals, an appraiser shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

The District may implement a process for collecting staff input for evaluating administrators. If the District implements such a process, the input must not be anonymous.

The appraisal of a principal shall include a student performance domain. The District may, with Board approval, select the Commissioner-recommended student performance domain for principals or may develop an alternative governed by the process outlined in Education Code 21.354. [See ADMINISTRATOR APPRAISAL, above]

DOMAINS

The domains and descriptors used to evaluate each administrator may include the following:

1. Instructional management.
2. School or organization morale.
3. School or organization improvement.
4. Personnel management.
5. Management of administrative, fiscal, and facilities functions.
6. Student management.
7. School or community relations.
8. Professional growth and development.
9. Student achievement indicators and campus performance objectives.

In developing appraisal instruments, the District shall use the local job description, as applicable.

19 TAC 150.1021, 150.1022

INSTRUCTIONAL ARRANGEMENTS
CONTRACTS WITH OUTSIDE AGENCIES

EEL
(LEGAL)

CAREER AND
TECHNOLOGY
EDUCATION

The Board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for District students. *Education Code 29.184(a)* [See EHBF]

In addition, the Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. *Education Code 29.187* [See also CRB and EHBF]

STUDENTS WITH
DISABILITIES

The District may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a)* [See EHBA]

EDUCATIONAL
SERVICES

The Board may contract with a public or private entity for that entity to provide educational services for the District. *Education Code 11.157*

PRE-K LICENSING
STANDARDS

If the District contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

DRIVER TRAINING
SCHOOLS

A District school may enter into an agreement with a driver training school licensed under Education Code Chapter 1001 to allow the driver training school to conduct a driver training course at the public school for public school students. *Education Code 29.902(c)(2), 1001.353*

MILITARY
INSTRUCTION

The Board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. *Education Code 29.901*

Note: This provision applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.

BASIC INSTRUCTIONAL PROGRAM
ELECTIVE INSTRUCTION

EHAD
(LEGAL)

DRIVER EDUCATION

The District shall consider offering a driver education and traffic safety course during each school year. If the District offers the course, the District may:

1. Conduct the course and charge a fee for the course in the amount determined by TEA to be comparable to the fee charged by a driver education school that holds a license under Education Code Chapter 1001; or
2. Contract with a driver education school that holds a license under Education Code Chapter 1001 to conduct the course.

Driver education is limited to eligible students who are between the ages of 14 and 18 years of age, who are at least 14 years of age at the time the driver education classroom phase begins and who will be 15 years of age or older when the behind-the-wheel instruction begins. Students officially enrolled in school who are 18-21 years of age may attend a teenage driver education program. *Education Code 29.902; 19 TAC 75.1005(i)*

LIFE SKILLS
PROGRAMS

The District may provide an integrated program of educational and support services for students who are pregnant or who are parents. If the District provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day-care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day-care facility.
5. Transportation for students, as appropriate, to and from the campus or day-care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

The District shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

BASIC INSTRUCTIONAL PROGRAM
ELECTIVE INSTRUCTION

EHAD
(LEGAL)

The District may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC and FNE]

LOCAL CREDIT
COURSES

The District may offer one or more courses in addition to those in the required curriculum for local credit. The State Board of Education shall be flexible in approving such courses for credit for high school graduation. *Education Code 28.002(f)* [See EIF]

CURRICULUM DESIGN
SPECIAL PROGRAMS

EHB
(LEGAL)

DYSLEXIA AND RELATED DISORDERS	<p>The Board shall ensure that procedures are implemented for identifying and providing appropriate instructional services to students for dyslexia and related disorders, in accordance with the State Board of Education's Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook).</p>
IDENTIFICATION AND TESTING	<p>Screening should be done only by individuals who are trained to assess students for dyslexia and related disorders.</p> <p>Before an identification or assessment procedure is used selectively with an individual student, the District shall notify the student's parent or guardian or another person standing in parental relation to the student.</p> <p>A program for early identification, intervention, and support for students with dyslexia must be available, as outlined in the Dyslexia Handbook.</p>
TREATMENT	<p>Each school shall provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The District may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus.</p>
READING PROGRAM	<p>The District shall purchase a reading program or develop its own reading program, as long as the program is characterized by the descriptors in the Dyslexia Handbook.</p> <p>Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multi-sensory, phonetic methods and a variety of writing and spelling components in the State Board dyslexia guidelines and in the professional development activities specified by the District- and/or campus-level committees.</p>
NOTICE TO PARENTS	<p>The District shall inform parents and guardians of students eligible under Section 504 [see FB] of all services and options available to the student under that statute.</p>
PARENT EDUCATION	<p>The District shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modifications, especially modifications allowed on standardized testing.</p>

Education Code 38.003; 19 TAC 74.28

Note: The following contains basic requirements for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds.

PARENTAL
INVOLVEMENT

The District may receive funds under Title I, Part A only if the District implements programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. The programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. *20 U.S.C. 6318(a)(1)*

DISTRICT POLICY

A district that receives Title I, Part A funds shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall be incorporated into a District plan developed under 20 U.S.C. 6312 [see AID], establish the District's expectations for parent involvement, and describe how the District will:

1. Involve parents in the joint development of the District plan and the process of school review and improvement under 20 U.S.C. 6316 [see AID];
2. Provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
3. Build the schools' and parents' capacity for strong parental involvement as described at 20 U.S.C. 6318(e);
4. Coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;
5. Conduct, with the involvement of parents, an annual evaluation of the parental involvement policy as described at 20 U.S.C. 6318(a)(2)(E), and use the findings of the evaluation as described in that section; and
6. Involve parents in the activities of the schools served under this part.

20 U.S.C. 6318(a)(2)

SPECIAL PROGRAMS
FEDERAL TITLE I

EHBD
(LEGAL)

SCHOOL POLICY

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)–(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

20 U.S.C. 6318(b)

COMPARABILITY

The District may receive funds under Title I, Part A only if state and local funds will be used in Title I, Part A schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I, Part A funds. The District may meet this requirement on a grade-span by grade-span basis or a school-by-school basis. *29 U.S.C. 6321(c)(1)*

For purposes of determining comparability, the District may exclude state and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the District. *29 U.S.C. 6321(c)(5)*

The District shall be considered to have met the comparability requirements if the District has filed with TEA a written assurance that the District has established and implemented:

1. A District-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

20 U.S.C. 6321(c)(2)

EXCEPTION

The comparability requirements do not apply to a district that does not have more than one building for each grade span. *29 U.S.C. 6321(c)(4)*

PRIVATE SCHOOLS

After timely and meaningful consultation [as described at 20 U.S.C. 6320(b)] with appropriate private school officials, the District shall provide eligible children [as that term is defined at 20 U.S.C. 6315(b)] enrolled in private elementary and secondary schools with special education services or other benefits under Title I, Part A that address their needs.

The educational services and other benefits may include dual enrollment, educational radio and television, computer equipment

SPECIAL PROGRAMS
FEDERAL TITLE I

EHBD
(LEGAL)

and materials, other technology, and mobile educational services and equipment. The services and benefits, including materials and equipment, shall be secular, neutral, and non-ideological, shall be equitable in comparison to services and other benefits for public school children participating in Title I, Part A programs, and shall be provided in a timely manner. The District may provide services directly or through contracts with public and private agencies, organizations, and institutions.

The District shall also ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to 20 U.S.C. 6318 (parental involvement) and 6319 (highly qualified teachers).

20 U.S.C. 6320

Note: See DBA for qualifications of teachers in Title I programs.

HOMELESS CHILDREN

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall serve homeless children according to their best interests. *McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432* [See FD, FDC, and FFC]

EXTENDED INSTRUCTIONAL PROGRAMS
DISTANCE LEARNING

EHDE
(LEGAL)

DISTANCE LEARNING

Credit toward state graduation requirements may be granted for distance learning courses only as follows:

1. Students may earn course credit through distance learning technologies, such as satellite, Internet, two-way videoconferencing, and instructional television.
2. The distance learning courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

STATE VIRTUAL
SCHOOL NETWORK

“Electronic course” means a course in which:

1. Instruction and content are delivered primarily over the Internet;
2. A student and teacher are in different locations for a majority of the student’s instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of the District or open-enrollment charter school.

Education Code 30A.001(4)

A qualifying district may provide an electronic course through the state virtual school network to students enrolled in that district or students enrolled in another district or open-enrollment charter school. *Education Code Ch. 30A*

An electronic course or program that was offered or could have been offered during the 2008–09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the state virtual school network. *Education Code 30A.006*

NOTICE

At the time and in the manner that the District informs students and parents about courses that are offered in the District’s traditional classroom setting, the District shall notify parents and students of the option to enroll in an electronic course offered through the state virtual school network.

EXTENDED INSTRUCTIONAL PROGRAMS
DISTANCE LEARNING

EHDE
(LEGAL)

REQUESTS TO
ENROLL

A district in which a student is enrolled as a full-time student may not unreasonably deny the request of a parent of a student to enroll the student in an electronic course offered through the state virtual school network. The District shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

The District is not considered to have unreasonably denied a request to enroll a student in an electronic course if:

1. The District can demonstrate that the course does not meet state standards or standards of the District that are of equivalent rigor as the District's standards for the same course provided in a traditional classroom setting;
2. A student attempts to enroll in a course load that:
 - a. Is inconsistent with the student's high school graduation plan; or
 - b. Could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Education Code 39.023; or
3. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course.

APPEALS

A parent may appeal to the Commissioner the District's decision to deny a request to enroll a student in an electronic course offered through the state virtual school network. The Commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031

TESTING PROGRAMS
MATHEMATICS ASSESSMENT

EKD
(LEGAL)

MATHEMATICS
DIAGNOSIS

The Commissioner shall develop and make available or contract for the development and dissemination of assessment instruments that the District may use to diagnose student mathematics skills.

The results of such assessment instruments may not be used for purposes of appraisals and incentives under Education Code Chapter 21 or accountability under Chapter 39.

Education Code 28.007

MISCELLANEOUS INSTRUCTIONAL POLICIES
STUDY OF RELIGION

EMI
(LEGAL)

SECULAR PROGRAM	<p>The District may instruct students in the study of comparative religion or the history of religion and its relationship to the advancement of civilization. The study of the Bible or of religion for its literary and historic qualities, when presented objectively as part of a secular program of education, is consistent with the First Amendment. <u>School Dist. of Abington v. Schempp</u>, 374 U.S. 203 (1963)</p>
ACADEMIC FREEDOM	<p>The District shall not require teaching and learning to be tailored to the principles or prohibitions of any religious sect or dogma. The District shall not adopt programs or practices that aid or oppose any religion. <u>Epperson v. Arkansas</u>, 393 U.S. 97 (1968) (holding unconstitutional a prohibition against teaching evolution); <u>Edwards v. Aguillard</u>, 482 U.S. 578 (1987) (holding unconstitutional a requirement that creationism be taught with evolution)</p>
RELIGIOUS EXERCISES	<p>The District shall not prescribe a religious exercise as part of the curricular activities of students even if the religious exercise is denominationally neutral or its observance on the part of the students is voluntary. <u>School Dist. of Abington v. Schempp</u>, 374 U.S. 203 (1963) (holding unconstitutional a requirement of daily Bible readings and recitation of the Lord's Prayer); <u>Engel v. Vitale</u>, 370 U.S. 421 (1962) (holding unconstitutional required recitation of state-adopted prayer)</p> <p>[For information on student expression of religious viewpoints in class assignments, see FNA]</p>
ELECTIVE COURSES	<p>In accordance with Education Code 28.011 and 19 TAC 74.36, the District may offer to students in grade 9 or above, and grant elective credit for:</p> <ol style="list-style-type: none">1. An elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or2. An elective course that combines the courses described above. <p>If, for a particular semester, fewer than 15 students at a District campus register to enroll in a course required by this section, the District is not required to offer the course at that campus for that semester.</p> <p>The Board may offer an elective course based on the books of a religion other than Christianity. In determining whether to offer such a course, the Board may consider various factors, including student and parent demand for such a course and the impact such books have had on history and culture.</p>

MISCELLANEOUS INSTRUCTIONAL POLICIES
STUDY OF RELIGION

EMI
(LEGAL)

The District may offer a course, other than the course authorized by Education Code 28.011, in the academic study of the Hebrew Scriptures, the New Testament, or both for local credit or for state elective credit towards high school graduation.

Education Code 28.011; 19 TAC 74.36; Att'y Gen. Op. GA-657 (2008)

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

The District does not discriminate in any of its programs, activities, services, and other operations on the basis of race, color, or national origin. The District does not tolerate discriminatory behavior by its students, including racial slurs, or racial harassment that may arise in any program or activity operated by the District.

The District's campus-level counselor shall provide counseling for students who are either victims or offenders in incidents involving racial harassment.

TITLE IX
COORDINATOR

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Debra Hart

Position: Director of Student Services

Address: 200 South Denton Tap Road, Coppell, TX 75019

Telephone: (214) 496-8081

ADA / SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Melody Paschall

Position: Executive Director of Intervention Services

Address: 268 Southwestern Blvd., Coppell, TX 75019

Telephone: (214) 496-6955

SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

COMPLAINTS

Allegations of unlawful discrimination, prohibited harassment, including sexual harassment, or retaliation shall be made according to FFH(LOCAL).

RECORDS
RETENTION

Copies of reports alleging discrimination, prohibited harassment, including sexual harassment, and retaliation; investigation reports; and related records shall be maintained by the District for a period of at least three years. If the person alleged to have experienced discrimination, prohibited harassment, or retaliation was a minor, the records shall be maintained until the person reaches the age of 21.

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

SECTION 504 COMMITTEE	<p>The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA). [See EHBA]</p> <p>The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.</p>
REFERRALS	<p>A student may be referred by parents, teachers, counselors, administrators, or any other District employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.</p>
PARENTAL CONSENT	<p>The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.</p>
NOTICE TO PARENTS	<p>Parents shall be given written notice of the District's refusal to evaluate a student or to provide specific aids and services the parents have requested.</p>
PREPLACEMENT EVALUATION	<p>The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.</p>
IMPARTIAL HEARING	<p>Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney.</p>
STATE-MANDATED ASSESSMENTS	<p>Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been</p>

determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

[See EKB]

INTERDISTRICT TRANSFERS
PUBLIC EDUCATION GRANTS

FDAA
(LEGAL)

An eligible student may attend a public school in the district in which the student resides or may use a public education grant to attend any other district chosen by the student's parent. *Education Code 29.201*

ELIGIBLE STUDENTS

A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides if the student is assigned to attend a public school campus:

1. At which 50 percent or more of the students did not perform satisfactorily on the state-mandated assessments in any two of the three preceding years; or
2. That failed to satisfy any standard under Education Code 39.054(d) at any time in the preceding three years. [See AIA]

After a student has used a public education grant to attend a school in a district other than the district in which the student resides:

1. The student does not become ineligible for the grant if the school on which the student's initial eligibility is based no longer meets the criteria described above; and
2. The student becomes ineligible for the grant if the student is assigned to attend a school that does not meet the criteria described above.

Education Code 29.201, 29.202

FUNDING

The District is entitled to a public education grant allotment for each eligible student using a public education grant.

The District is entitled to additional facilities assistance under Education Code 42.4101 if the District agrees to:

1. Accept a number of students using public education grants that is at least one percent of the District's average daily attendance for the preceding school year; and
2. Provide services to each student until the student either voluntarily decides to attend a school in a different district or graduates from high school.

AVERAGE DAILY
ATTENDANCE

A student who uses a public education grant to attend a public school in a district other than the district in which the student resides is included in the average daily attendance of the district in which the student attends school.

Education Code 29.203(a)–(c); 19 TAC 61.1011

INTERDISTRICT TRANSFERS
PUBLIC EDUCATION GRANTS

FDAA
(LEGAL)

ADMISSION	A district chosen by a student's parent under Education Code section 29.201 is entitled to accept or reject the application for the student to attend school in that district, but may not use criteria that discriminate on the basis of the student's race, ethnicity, academic achievement, athletic abilities, language proficiency, sex, or socioeconomic status.
PRIORITIES	If the District has more acceptable applicants for attendance under public education grants than available positions, it must give priority to students at risk of dropping out of school, as defined by Education Code 29.081 [see EHBC] and must fill the available positions by lottery.
EXCEPTION	<p>To achieve continuity in education, however, the District may give preference over at-risk students to:</p> <ol style="list-style-type: none">1. Enrolled students; or2. Siblings or other children residing in the same household as enrolled students, for the convenience of parents, guardians, or custodians of those children.
TUITION	<p>A district chosen by a student's parent under a public education grant may not charge the student tuition.</p> <p><i>Education Code 29.203(d)–(e)</i></p>
TRANSPORTATION	The district in which a student resides shall provide each student attending a school in another district under a public education grant transportation free of charge to and from the school the student would otherwise attend. <i>Education Code 29.203(f)</i>
CONTRACT FOR SERVICES	The Board may contract for the provision of educational services to a student eligible to receive a public education grant. <i>Education Code 29.205</i>
COMMISSIONER'S NOTICE	Not later than February 1 of each year, the District shall notify the parent of each student in the District assigned to attend a campus described by Education Code 29.202 that the student is eligible for a public education grant. The notice must contain a clear, concise explanation of the public education grant program and of the manner in which the parent may obtain further information about the program. <i>Education Code 29.204(b)</i>

ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB
(LEGAL)

ASSIGNMENTS

The Board or its designee may assign and transfer any student from one school facility or classroom to another facility or classroom within its jurisdiction. *Education Code 25.031*

The Board or its designee must make the decision concerning the assignment or transfer of a student on an individual basis and may not consider as a factor in its decision any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032*

MULTIPLE BIRTH
SIBLINGS

"Multiple birth sibling" means a twin, triplet, quadruplet, or other sibling resulting from a multiple birth.

"Parent" includes a person standing in parental relation.

PLACEMENT

The parent of multiple birth siblings who are assigned to the same grade level and school may request in writing, not later than the fourteenth day after the first day of enrollment, that the school place the siblings in the same classroom or in separate classrooms.

A school shall provide the placement requested. However, the District is not required to place multiple birth siblings in separate classrooms if the request would require the District to add an additional class to the grade level of the siblings.

The school may recommend to a parent the appropriate classroom placement and may provide professional educational advice to assist the parent with the decision.

These provisions do not affect:

1. A right or obligation regarding the individual placement decisions of the ARD committee with respect to students receiving special education services [see EHBAB]; or
2. The right of a teacher to remove a student from a classroom under Chapter 37 [see FOA].

REASSIGNMENT BY
PRINCIPAL

At the end of the first grading period following the multiple birth siblings' enrollment in the school, if the principal of the school, in consultation with the teacher of each classroom in which the siblings are placed, determines that the requested classroom placement is disruptive to the school, the principal may determine the appropriate classroom placement for the siblings.

APPEAL

A parent may appeal the principal's classroom placement in the manner provided by District policy. During an appeal, the siblings shall remain in the classroom chosen by the parent. [See FNG]

Education Code 25.043

ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB
(LEGAL)

PLACEMENT OF
OLDER STUDENTS

If the District admits a person who is 21 years of age or older to complete the requirements for a high school diploma, and the person has not attended school in the three preceding school years, the District may not place the person with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another District-sanctioned school activity. This restriction does not prevent the person from attending a school-sponsored event that is open to the public as a member of the public. *Education Code 25.001(b-2)*

PETITIONS AND
OBJECTIONS

The parent or person standing in parental relation may by written petition either:

1. Request the assignment or transfer of the student to a designated school or to a school to be designated by the Board; or
2. File objections to the assignment of the student to the school to which the student has been assigned.

Education Code 25.033, 26.003(a)(1)

PROCEDURE

Upon receiving a written petition, the Board shall proceed as follows:

1. If no hearing is requested, act on the petition not later than the 30th day after the petition is submitted and notify the petitioner of its conclusion; or
2. If a hearing is requested, designate a time and place for holding a hearing not later than the 30th day after the petition is submitted.

If a hearing is requested, it shall be conducted by the Board in compliance with the following:

1. The petitioner may present evidence relevant to the student.
2. The Board may conduct investigations as to the objection or request, examine any student involved, and employ agents, professional or otherwise, for the purpose of examinations and investigations.

BOARD'S DECISION

The decision of the Board, with or without a hearing, shall be final, unless the student, or the parent, guardian, or custodian of the student as next friend, files an exception to the decision as constituting a denial of any right of the student guaranteed under the U.S. Constitution.

If such an exception is filed, the Board may reconsider its decision. If the Board has not ruled on the exception before the 16th day after the date of the filing, the objection is considered overruled. If

ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB
(LEGAL)

the exception is overruled, an appeal of the Board's decision may be filed in the district court of the county in which the Board is located.

Education Code 25.034

VICTIM OF BULLYING

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

"Bullying" means engaging in written or verbal expression or physical conduct that the Board or its designee determines:

1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

The Board or designee shall verify that a student has been a victim of bullying before transferring the student. The Board may consider past student behavior when identifying a bully.

The determination by the Board or designee is final and may not be appealed. The procedures set forth at Education Code 25.034 (see PROCEDURE, above) do not apply to a transfer under this provision.

The District is not required to provide transportation to a student who transfers to another campus under this provision.

Education Code 25.0342

Note: For bullying rising to the level of prohibited harassment, see FFH. For all other bullying, see FFI.

OTHERS IN SPECIAL
EDUCATION
STUDENT'S
HOUSEHOLD

If the District assigns a student to a District campus other than the campus the student would attend based on the student's residence, for purposes of receiving special education services, the District shall permit the student's parent, guardian, or other person standing in parental relation to the student to obtain a transfer to

ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB
(LEGAL)

the assigned campus for any other student residing in the household of the student receiving special education services, subject to the conditions below.

A student residing in the same household as the transferred special education student is eligible for a transfer if:

1. The other student is entitled to attend school in the District [see FD];
2. The appropriate grade level for the other student is offered at the campus.

This provision does not apply if the student receiving special education services resides in a residential facility.

Education Code 25.034 [see PETITIONS AND OBJECTIONS, PROCEDURE, above] does not apply to a transfer under this provision.

TRANSPORTATION

The District is not required to provide transportation to a student who transfers to another campus under this provision. This provision does not affect any transportation services provided by the District in accordance with other law for students receiving special education services.

Education Code 25.0343

STUDENTS IN
UNACCEPTABLE
SCHOOLS

A student is eligible to attend another public school in the District in which the student resides if the student is assigned to attend a public school campus:

1. At which 50 percent or more of the students did not perform satisfactorily on the state-mandated assessment in any two of the three preceding years; or
2. That failed to satisfy any standard under Education Code 39.054(d) at any time in the preceding three years. [See AIA]

Education Code 29.202(a) [See FDAA]

STUDENTS IN
SCHOOLS IDENTIFIED
FOR IMPROVEMENT

If a school is identified for school improvement, pursuant to the No Child Left Behind Act, the District shall provide all students enrolled in the school with the option to transfer to another public school served by the District, which may include a public charter school, that has not been identified for school improvement, unless such an option is prohibited by state law. The District shall provide this option not later than the first day of the school year following such identification.

The District shall give priority to the lowest achieving children from low-income families. Students who use the option to transfer shall

ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB
(LEGAL)

be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

The District shall permit a child who transferred to another school to remain in that school until the child has completed the highest grade in that school. The obligation of the District to provide, or to provide for, transportation for the child ends at the end of a school year if the District determines that the school from which the child transferred is no longer identified for school improvement or subject to corrective action or restructuring.

No Child Left Behind Act of 2001, 20 U.S.C. 6316(b)(1)(E), (F), 6316(b)(13)

Note: See also AID for identification for school improvement and FDE for the school safety transfer option in Title I programs.

CLASS CHANGES

A parent or person standing in parental relation is entitled to reasonable access to the school principal, or to a designated administrator with authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student. The decision of the Board regarding such a request is final and may not be appealed. *Education Code 26.002, 26.003(a)(2), (b)* [See FNG]

WELLNESS AND HEALTH SERVICES
INDIVIDUALIZED HEALTH PLAN

FFAF
(LEGAL)

DIABETES
MANAGEMENT AND
TREATMENT PLAN

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

REQUIRED
ELEMENTS

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

SUBMISSION TO
SCHOOL

The parent or guardian must submit the DMTP to the school, and the school must review the plan:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of diabetes for the student.

Health and Safety Code 168.002

INDIVIDUALIZED
HEALTH PLAN

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see REQUIRED ELEMENTS, above].

Health and Safety Code 168.001(3); 168.003

INDEPENDENT
MONITORING AND
TREATMENT

In accordance with the student's IHP, the school shall permit the student to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;

WELLNESS AND HEALTH SERVICES
INDIVIDUALIZED HEALTH PLAN

FFAF
(LEGAL)

4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and
5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

Health and Safety Code 168.008

REQUIRED CARE

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. The District may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCA's.

Health and Safety Code 168.007(c)–(d)

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

SCHOOL NURSE
NOT AVAILABLE

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and
2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see IMMUNITY FROM LIABILITY, below].

Health and Safety Code 168.007(a)

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or
2. The principal must have access to the physician responsible for the student's diabetes treatment.

Health and Safety Code 168.007(b)

WELLNESS AND HEALTH SERVICES
INDIVIDUALIZED HEALTH PLAN

FFAF
(LEGAL)

UNLICENSED
DIABETES CARE
ASSISTANTS

At each school in which a student with diabetes is enrolled, the principal, or designee, shall:

1. Seek school employees who are not health-care professionals to serve as UDCA's and to care for students with diabetes; and
2. Make efforts to ensure the school has:
 - a. At least one UDCA if a full-time nurse is assigned to the school; and
 - b. At least three UDCA's if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA TRAINING, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

Health and Safety Code 168.001(5)–(6), 168.003–.004

UDCA TRAINING

If a school nurse is assigned to the campus, the nurse shall coordinate the training of school employees acting as UDCA's. Training for UDCA's must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or
2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

Health and Safety Code 168.005

WELLNESS AND HEALTH SERVICES
INDIVIDUALIZED HEALTH PLAN

FFAF
(LEGAL)

Note: Guidelines for training school employees who are not licensed health-care professionals to care for students with diabetes are available at <http://www.dshs.state.tx.us/diabetes/PDF/HB984.pdf>.

INFORMATION TO
EMPLOYEES

The District shall provide to each District employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

Health and Safety Code 168.006

IMMUNITY FROM
LIABILITY

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)* [See DG]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see REQUIRED CARE] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

Health and Safety Code 168.007(e)–(f)

STUDENT WELFARE
STUDENT SUPPORT SERVICES

FFC
(LEGAL)

LIAISON FOR COURT-
RELATED STUDENTS

The District shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

LIAISON FOR
HOMELESS
STUDENTS

The District shall designate an appropriate staff person as the District liaison for homeless children. The District shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison.

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through coordination activities with other entities and agencies;
2. Homeless children enroll in, and have a full and equal opportunity to succeed in, District schools;
3. Homeless families and children receive educational services for which they are eligible, including Head Start, Even Start, and District preschool programs, and referrals to health care, dental, mental health, and other appropriate services;
4. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
5. Public notice of the educational rights of homeless children is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;
6. Enrollment disputes are mediated; and
7. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment.

42 U.S.C. 11432(g)(6)(A)

SCHOOL-COMMUNITY
GUIDANCE CENTER

The District may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of District personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from the Superintendent, a governmental agency concerned with children that has jurisdiction in the District shall cooperate with the school-community guidance center and shall designate a liaison to work with the center in identifying and correcting problems affecting school-age children in the District. The governmental agency may establish or finance a school-community guidance center jointly with the District according to terms approved by the governing body of each participating entity. *Education Code 37.053*

COOPERATIVE
PROGRAMS

The Board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

PARENTAL NOTICE
AND ACCESS TO
INFORMATION

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

PARENTAL
INVOLVEMENT

On admitting a student to a school-community guidance center, a representative of the District, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;
2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the District, to aid student remediation.

The Superintendent may obtain a court order from a district court in the District requiring a parent to comply with such an agreement. A parent who violates such a court order may be punished for contempt of court.

COURT
SUPERVISION

If the District, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055, 37.056

PUBLIC SCHOOL
CHILD CARE

The District shall annually consider, during at least two public hearings, the need for and availability of child care before, after, or both before and after the school day and during school holidays and vacations for the District's school-age students. The District shall effectively publicize the hearings and hold all hearings before the start of the school year.

For purposes of this requirement, "school-age" means children enrolled as students in prekindergarten through grade 7.

By May 1 of each year, the Work and Family Policies Clearinghouse in the Texas Workforce Commission shall distribute to each affected district information that describes model prekindergarten and school-age child care programs and explains how the District

may obtain federal or state funds to operate such programs. The District shall distribute the information to the public at the hearings.

Education Code 33.902

Note: This section applies only to districts that: (1) on September 1 of a school year have a student membership of 5,000 or more; and (2) do not provide directly or by contract child care services before and after the school day and during school holidays and vacations for the District's school-age students.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

Note: This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. For provisions regarding bullying, see FFI.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, in any of its programs, activities, services, or other operations, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. The District does not tolerate discriminatory behavior by its students that may arise in any program or activity operated by the District. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

SEXUAL HARASSMENT
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DF]

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

DATING VIOLENCE	Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.
EXAMPLES	<p>Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.</p> <p>For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:</p> <ol style="list-style-type: none">1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or3. Otherwise adversely affects the student's educational opportunities.
RETALIATION	<p>The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.</p> <p>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.</p>
EXAMPLES	Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances, such as negative comments that are justified by a student's performance in the classroom.
PROHIBITED CONDUCT	In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.
REPORTING PROCEDURES	Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Alternatively, a student may report prohibited conduct directly to one of the District officials below:

DEFINITION OF
DISTRICT
OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

TITLE IX
COORDINATOR

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Debra Hart

Position: Director of Student Services

Address: 200 South Denton Tap Road, Coppell, TX 75019

Telephone: (214) 496-8081

ADA / SECTION
504
COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Melody Paschall

Position: Executive Director of Intervention Services

Address: 268 Southwestern Blvd., Coppell, TX 75019

Telephone: (214) 496-6955

SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

ALTERNATIVE
REPORTING
PROCEDURES

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

TIMELY REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

	<p>promptly report may impair the District's ability to investigate and address the prohibited conduct.</p>
NOTICE OF REPORT	<p>Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.</p>
NOTICE TO PARENTS	<p>The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.</p>
INVESTIGATION OF THE REPORT	<p>The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.</p> <p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p>
DISTRICT ACTION	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate</p>

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

	<p>disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p>
COUNSELING	<p>The District's campus-level counselor shall provide counseling for its students who are either victims or offenders in incidents involving harassment. [See DH, DHB, DIA(LOCAL) for employees]</p>
CONFIDENTIALITY	<p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.</p>
APPEAL	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
RECORDS RETENTION	<p>Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).</p>
ACCESS TO POLICY	<p>Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.</p>

STUDENT CONDUCT
PROHIBITED ORGANIZATIONS AND HAZING

FNCC
(LEGAL)

MEMBERSHIP AND
SOLICITATION

MISDEMEANOR
OFFENSE

A person commits a Class C misdemeanor if the person:

1. Is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or
2. Is not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.

Education Code 37.121(a), (c)

DAEP
PLACEMENT

A board or an educator shall recommend placing in a disciplinary alternative education program any student who commits the offenses described above. *Education Code 37.121(b)*

FELONY OFFENSE

A person commits a felony if the person, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, threatens the child or a member of the child's family with imminent bodily injury or causes the child or a member of the child's family bodily injury. *Penal Code 71.022*

PERSONAL HAZING
OFFENSE

A person commits an offense if the person:

1. Engages in hazing.
2. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.
3. Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, Superintendent, or designee.

Education Code 37.152(a)

DEFINITIONS

PUBLIC SCHOOL
FRATERNITY,
SORORITY, SECRET
SOCIETY, OR GANG

A "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities. *Education Code 37.121(d)*

STUDENT CONDUCT
PROHIBITED ORGANIZATIONS AND HAZING

FNCC
(LEGAL)

HAZING

“Hazing” means any intentional, knowing, or reckless act occurring on or off the campus of an educational institution directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

EDUCATIONAL
INSTITUTION

“Educational institution” for purposes of this policy includes a public high school.

STUDENT

“Student” means any person who:

1. Is registered in or in attendance at an educational institution;
2. Has been accepted for admission at the educational institution where the hazing incident occurs; or
3. Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

Education Code 37.151

STUDENT CONDUCT
PROHIBITED ORGANIZATIONS AND HAZING

FNCC
(LEGAL)

INFORMATION
REGARDING GANG-
FREE ZONES

The Superintendent shall ensure that the student handbook for each campus includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones. *Education Code 37.110*

STUDENT CONDUCT
ALCOHOL AND DRUG USE

FNCF
(LEGAL)

ALCOHOL	The 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>
ALCOHOL-FREE ZONES	The Board shall attempt to provide a safe alcohol-free environment to students coming to or going from school.
COOPERATIVE EFFORTS	The Board may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide this environment and in enforcing the alcohol-free zone provisions in the Alcoholic Beverage Code. <i>Education Code 38.007(b)</i>
DISTRICTS IN LARGE MUNICIPALITIES	If the majority of the area of the District is located in a municipality with a population of 900,000 or more, the Board may petition the commissioners court of the county in which the District is located or the governing board of an incorporated city or town in which the District is located to adopt a 1,000-foot alcohol-free zone. <i>Education Code 38.007(b); Alcoholic Beverage Code 101.75, 109.33, 109.59</i>
CRIMINAL OFFENSE	A person commits an offense (a Class C misdemeanor) if the person possesses an intoxicating beverage for consumption, sale, or distribution while: <ol style="list-style-type: none">1. On the grounds or in a building of a public school; or2. Entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school is being held. <i>Education Code 37.122</i>
DRUG-FREE ZONES	A person commits a criminal offense (enhanced) if the person knowingly or intentionally possesses a controlled substance listed in the Health and Safety Code, Chapter 481: <ol style="list-style-type: none">1. In, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school district or a playground; or2. On a school bus. <i>Health and Safety Code 481.134</i>
ABUSABLE GLUES, PAINTS, OR VOLATILE CHEMICALS	In addition to the above prohibitions, no student shall inhale, ingest, apply, use, or possess an abusable glue, aerosol paint, or substance containing a volatile chemical with intent to inhale, ingest, apply, or use any of these in a manner:

STUDENT CONDUCT
ALCOHOL AND DRUG USE

FNCF
(LEGAL)

1. Contrary to directions for use, cautions, or warnings appearing on a label of a container of the glue, paint, or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health and Safety Code 485.031

MANUFACTURE OR
DELIVERY

No student shall intentionally manufacture, deliver, or possess with intent to manufacture or deliver abusable glue, or aerosol paint that does not contain additive material in accordance with rules adopted by the commissioner of health. *Education Code 37.006; Health and Safety Code 485.032*

DELIVERY TO A
MINOR

No student who is 18 or older shall intentionally, knowingly, or recklessly deliver abusable glue or aerosol paint to a person who is younger than 18 years old. No student who is 18 or older shall sell or deliver a substance containing a volatile chemical to a person younger than 18.

PARAPHERNALIA

No person shall intentionally or knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint, or other substance that contains a volatile chemical.

Education Code 37.006; Health and Safety Code 485.033

PARENT OBJECTION
TO DRUG EDUCATION
PROGRAM

Upon receipt of written notification from the parents or legal guardians of a student, the District shall withdraw the student from any program or activity funded under the federal Safe and Drug-Free Schools and Communities Act. The District shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under the Act, other than classroom instruction. *No Child Left Behind Act of 2001, 20 U.S.C. 7163*

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

REMOVAL UNDER
STUDENT CODE OF
CONDUCT

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

MANDATORY
PLACEMENT IN DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

SCHOOL-RELATED
MISCONDUCT

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
 - a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
 - b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

Education Code 37.006(a)

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

EXCEPTION	Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. <i>Education Code 37.006(m)</i>
RETALIATION	Except where a student engages in retaliatory acts against a District employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation, as defined in Penal Code 36.06, against any school employee. <i>Education Code 37.006(b)</i>
CONDUCT UNRELATED TO SCHOOL	<p>In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:</p> <ol style="list-style-type: none">1. The student receives deferred prosecution under Family Code 53.03, for conduct defined as a felony offense in Title 5, Penal Code;2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Title 5, Penal Code; or3. The Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code. <p>[See FOC(EXHIBIT) for list of Title 5 felonies]</p> <p><i>Education Code 37.006(c)</i></p>
REASONABLE BELIEF	In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Code of Criminal Procedure Article 15.27. <i>Education Code 37.006(e)</i> [See GRA]
SEXUAL ASSAULT OF ANOTHER STUDENT	<p>A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:</p> <ol style="list-style-type: none">1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

3. There is only one campus in the District serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDE at SEXUAL ASSAULT TRANSFER, TRANSFER OF ASSAILANT]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

PERMISSIVE
REMOVAL

NON-TITLE 5
FELONY

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The Superintendent or designee has a reasonable belief (as determined above) that the student has engaged in conduct defined as a felony offense other than those listed in Title 5, Penal Code [see FOC(EXHIBIT)]; and
2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d), (e)

ONE YEAR AFTER
CONDUCT

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

OLDER STUDENTS

A person who is 21 years of age or older and is admitted by the District for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the District shall revoke the student's admission. *Education Code 25.001(b-1)*

PLACEMENT OF
YOUNGER STUDENTS

A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f); 37.007(e)* [See FOD]

STUDENTS
YOUNGER THAN SIX

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] may be provided educational services in a DAEP. *Education Code 37.006(l)*

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

PROCESS FOR REMOVAL CONFERENCE	Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.
ORDER	Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student for a period consistent with the Student Code of Conduct.
APPEAL	<p>If District policy allows a student to appeal to the Board or the Board's designee a decision of the principal or other appropriate administrator, the decision of the Board or the Board's designee is final and may not be appealed.</p> <p><i>Education Code 37.009(a)</i> [See Student Code of Conduct]</p>
TERM OF REMOVAL	<p>The Board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the District determines that the student is a threat to the safety of other students or to District employees; or extended placement is in the best interest of the student. <i>Education Code 37.009(d)</i></p>
BEYOND GRADING PERIOD OR 60 DAYS	<p>If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board or designee.</p>
NO APPEAL	<p>Any decision of the Board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.</p> <p><i>Education Code 37.009(b)</i></p>
BEYOND END OF SCHOOL YEAR	<p>Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, the Board or designee must determine that:</p> <ol style="list-style-type: none">1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

ORDER OF
REMOVAL

The Board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, the Board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

ACTIVITIES

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

COMPLETION OF
PROCEEDINGS UPON
WITHDRAWAL

If a student withdraws from the District before an order for placement in a DAEP is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the District the same or subsequent school year, the District may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ENROLLMENT IN
ANOTHER DISTRICT

If a student placed in a DAEP enrolls in another district before the expiration of the placement, the Board shall provide to the district in which the student enrolls a copy of the placement order at the

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
 - a. The out-of-state district provides a copy of the placement order; and
 - b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

OUT-OF-STATE
PLACEMENT

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

COURT-ORDERED
PLACEMENT

Unless the Board and the juvenile board for the county in which the District's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

EXPELLED
STUDENT

1. A court may not order a student expelled under Section 37.007 to attend a District DAEP as a condition of probation;

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

MULTIPLE
REFERRALS

2. A court may not order a student to attend a DAEP without the District's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c), (d)

SCHOOL ACTIVITIES

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(d)*

PLACEMENT AFTER
COURT
DISPOSITION

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, the District may not refuse to admit the student if the student meets the requirements for admission into the public schools. The District may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

NOT GUILTY /
INSUFFICIENT
EVIDENCE / CHARGES
DROPPED

If a student was removed to DAEP for a reason other than false alarm or report, terroristic threat, or conduct on or within 300 feet of school property, the Superintendent or designee shall review the student's placement in the DAEP upon receipt of notice under Article 15.27(g), Code of Criminal Procedure, stating that:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

A student may not be returned to the regular classroom pending the review. The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court.

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h)

APPEAL AFTER
PLACEMENT
UPHELD

The student or the student's parent or guardian may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the Superintendent's decision. The Board shall make a record of the proceedings.

If the Board confirms the decision, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner. The student may not be returned to the regular classroom pending the appeal to the Commissioner.

Education Code 37.006(i), (j)

120-DAY REVIEW OF
STATUS

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. This requirement does not, however, obligate the District to provide in the DAEP a course, except as required by Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher that removed the student without that teacher's consent. The teacher cannot be coerced to consent. *Education Code 37.009(e)*

ADDITIONAL
PROCEEDINGS

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or Board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(LEGAL)

REPORTING

The District may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)* [See AIB]

Note: See FOF for provisions concerning students with disabilities.

Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION G: COMMUNITY AND GOVERNMENTAL RELATIONS

GA ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GB PUBLIC INFORMATION PROGRAM

GBA Information Access

GBAA Requests for Information

GBB School Communications Program

GBBA News Media Relations

GE RELATIONS WITH PARENT ORGANIZATIONS

GF PUBLIC COMPLAINTS

GK COMMUNITY RELATIONS

GKA Conduct on School Premises

GKB Advertising and Fund Raising in the Schools

GKC Visitors to the Schools

GKD Nonschool Use of School Facilities

GKDA Distribution of Nonschool Literature

GKE Business, Civic, and Youth Groups

GKF Cultural Institutions

GKG School Volunteer Program

GN RELATIONS WITH EDUCATIONAL ENTITIES

GNA Other Schools and Districts

GNB Regional Education Service Centers

GNC Colleges and Universities

GND State Education Agency

GNE Education Accreditation Agencies

GR RELATIONS WITH GOVERNMENTAL ENTITIES

GRA Local Governmental Authorities

GRB Interlocal Cooperation Contracts

GRC Emergency Management

RELATIONS WITH EDUCATIONAL ENTITIES
REGIONAL EDUCATION SERVICE CENTERS

GNB
(LEGAL)

Regional education service centers shall be located throughout the state so that each school district has the opportunity to be served by and to participate in an approved center on a voluntary basis. The centers shall provide services to assist school districts in improving student performance and increasing the efficiency and effectiveness of school operations. *Education Code 8.001(b)*

CORE SERVICES

Each service center shall develop and maintain core services for purchase by school districts and campuses. These services are:

1. Training and assistance in teaching each subject area assessed under Education Code 39.054 (state assessments).
2. Training and assistance in providing special education, compensatory education, bilingual education, and gifted and talented education.
3. Assistance specifically designed for a district or campus assigned an unacceptable performance rating under Education Code 39.054.
4. Training and assistance to teachers, administrators, Board members, and members of site-based decision-making committees.
5. Assistance specifically designed for the District that is considered out of compliance with state or federal special education requirements.
6. Assistance in complying with state laws and rules.

Education Code 8.051

ADDITIONAL
SERVICES

In addition to the core services, a regional education service center may offer any service requested and purchased by any school district or campus in the state. *Education Code 8.053*

A regional education service center shall assist the Board of the District in entering into an agreement with another district or political subdivision, a regional education service center, or an institution of higher education for a cooperative shared services arrangement regarding administrative services, including transportation, food service, purchasing, and payroll functions. *Education Code 11.003(c)*

DELEGATION OF
FUNCTIONS

The Board of the District may delegate purchasing or other administrative functions to a service center to the extent necessary to achieve efficiencies in the use of available services. *Education Code 8.122(d)*

RELATIONS WITH GOVERNMENTAL ENTITIES

GR
(LEGAL)

FEDERAL LEVEL
LOBBYISTS

The District shall report to the Office of Federal-State Relations any contract between the District and a federal-level government relations consultant, unless the consultant is required by other law to disclose, report, and make the required information available to the public and a federal or state entity.

The District shall submit one report not later than the 30th day after the contract is executed and a second report not later than the 30th day after the contract is terminated.

The report must include the items listed at Government Code 751.016(b).

Gov't Code 751.016

MUNICIPAL
ANNEXATION

A municipality that proposes to annex an area shall provide written notice to each school district located in the area proposed for annexation within the period prescribed for publishing the notice of the first annexation hearing.

The notice shall contain a description of:

1. The area within the District proposed for annexation;
2. Any financial impact on the District resulting from the annexation, including any changes in utility costs; and
3. Any proposal the municipality has to abate, reduce, or limit any financial impact on the District.

A municipality that annexed any portion of an area after December 1, 1996, and before September 1, 1999, in which the District has a facility shall grant a variance from the municipality's building code for that facility if the facility does not comply with the code.

A municipality that, as a result of the annexation, provides utility services to a District facility may charge the District for utility services at:

1. The same rate that the District was paying before the annexation; or
2. A lower municipal rate.

The rate is effective until the first day of the District's fiscal year that begins after the 90th day after the effective date of the annexation.

Local Gov't Code 43.905

MUNICIPAL
ORDINANCES

A home rule city may enforce its reasonable land development regulations and ordinances against the District for the purposes of aesthetics and the maintenance of property values. *Tex. Att'y Gen. Op. GA-697 (2008)*

RELATIONS WITH GOVERNMENTAL ENTITIES
LOCAL GOVERNMENTAL AUTHORITIES

GRA
(LEGAL)

REPORTS TO LOCAL
LAW ENFORCEMENT

The principal, or a school employee under his or her supervision who is designated by the principal, shall notify the District police department (if one exists) and the police department of the municipality in which the school is located, or, if the school is not in a municipality, the sheriff of the county in which the school is located, if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Government Code 508.149; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07. [See GRA(EXHIBIT)]
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code 481.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)–(14) or (16). [See FNCG]
4. The possession of a weapon as defined by 18 U.S.C. Section 921, in accordance with the Gun-Free Schools Act. [See FOD]
5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity. [See GRA(EXHIBIT)]
6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

The report shall include the name and address of each student the person believes may have participated in the activity, but is not required if the person reasonably believes that the activity does not constitute a criminal offense.

Education Code 37.015, 37.007(e)

REPORTS TO
JUVENILE JUSTICE
AGENCY

The Superintendent or designee may disclose information contained in a student's educational records to a juvenile justice agency if the disclosure is under an interagency agreement authorized by Family Code 58.0051.

The District is not required or authorized to release student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g). [See FL]

Education Code 37.084

RELATIONS WITH GOVERNMENTAL ENTITIES
LOCAL GOVERNMENTAL AUTHORITIES

GRA
(LEGAL)

STUDENTS TAKEN
INTO CUSTODY

The District shall permit a student to be taken into custody:

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
4. By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
5. Pursuant to a properly issued directive to apprehend.
6. By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in Family Code 262.104 relating to the student's physical health or safety.

Family Code 52.01, 262.104

STUDENTS IN
CUSTODY

A person taking a child into custody, without unnecessary delay and without first taking the child to any place other than a juvenile processing office designated under Family Code 52.025, may, if school is in session, bring the child to the school campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

NOTICE FROM LAW
ENFORCEMENT

ARREST OF
STUDENT

A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile board who the agency knows or believes is enrolled as a student in a public primary or secondary school shall orally notify the superintendent or designee in the district in which the student is enrolled or believed to be enrolled of that arrest or referral within 24 hours after the arrest or referral is made, or on the next school day. Within seven days after oral notice is given, the law enforcement agency shall mail written notice. Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the Superintendent or the Superintendent's designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code. The information contained in the notice may be considered by the Superintendent or designee in making such a determination. This notice shall be made only if the

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	<p>student has been arrested or referred for committing an offense specified at REPORTABLE OFFENSES. <i>Code of Criminal Procedure 15.27(a)</i></p>
NOTICE OF DISPOSITION OF CHARGES	<p>On conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct of a student, for an offense or for any conduct specified at REPORTABLE OFFENSES, the office of the prosecuting attorney shall orally and in writing notify the Superintendent or designee of the conviction, deferred prosecution, deferred adjudication, or adjudication and whether the student is required to register as a sex offender. <i>Code of Criminal Procedure 15.27(b)</i></p> <p>The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the district that removed a student to a disciplinary alternative education program, if:</p> <ol style="list-style-type: none">1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or2. The court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice. <p><i>Code of Criminal Procedure 15.27(g)</i></p>
SEX OFFENDER	<p>The local law enforcement authority shall immediately provide notice to the superintendent of the district in which the person subject to registration under the Sex Offender Registration Program intends to reside, by mail to the office of the Superintendent, as set out below.</p>
LAW ENFORCEMENT NOTICE TO SUPERINTENDENT	<p>A local law enforcement authority shall provide notice to the Superintendent only if:</p> <ol style="list-style-type: none">1. The victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;2. The person subject to registration is a student enrolled in a public or private secondary school; or3. The basis on which the person is subject to registration is a conviction, a deferred adjudication, or an adjudication of delinquent conduct for an offense under Penal Code 43.25 (Sexual Performance by a Child) or 43.26 (Possession or

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Promotion of Child Pornography), or a substantially similar offense

A local law enforcement authority may not provide notice to the Superintendent if the basis for the notice is a conviction, a deferred adjudication, or an adjudication of delinquent conduct for an offense under Section 25.02, Penal Code (Prohibited Sexual Conduct, relating to incest), or a substantially similar offense.

Code of Criminal Procedure 62.054

NOTICE TO
PERSONNEL
ARREST OF
STUDENT

The Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising a student who has been arrested or taken into custody as provided by a law enforcement agency. All personnel shall keep the information received confidential.

The Superintendent or designee may send to an employee having direct supervisory responsibility over the student the information contained in the confidential notice of the student's arrest or referral as provided by the law enforcement agency if the Superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

Code of Criminal Procedure 15.27(a), (a-1)

CONVICTION OR
ADJUDICATION OF
STUDENT

When the Superintendent or designee receives information from a prosecuting attorney of a student's conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct for an offense specified at REPORTABLE OFFENSES, the Superintendent or designee shall, within 24 hours of receiving notification from the office of the prosecuting attorney, notify all instructional and support personnel who have regular contact with the student.
Code of Criminal Procedure 15.27(b)

SEX OFFENDER

On receipt of the notice from law enforcement regarding a registered sex offender, the Superintendent shall release the information contained in the notice to appropriate District personnel, including peace officers and security personnel, principals, nurses, and counselors. *Code of Criminal Procedure 62.053(e), 62.055(f)*

REPORTABLE
OFFENSES

The following are reportable offenses for purposes of this policy:

1. Any felony offense; and
2. The following misdemeanors:
 - a. An offense under Penal Code 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault),

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22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or
71.02 (Engaging in Organized Criminal Activity);

- b. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code Chapter 481; and
- c. The unlawful possession of any of the weapons or devices listed in Penal Code 46.01(1)–(14) or (16), or a weapon listed as a prohibited weapon under Penal Code 46.05.

Code of Criminal Procedure 15.27(h)

JUVENILE JUSTICE
INFORMATION
SYSTEM

Juvenile justice agencies in a county or region of Texas may jointly create and maintain a local juvenile justice information system in accordance with Family Code Chapter 58, Subchapter D. A local juvenile justice information system shall include each public school district in the county. *Family Code 58.303, 58.305*

Districts that are served by a local juvenile justice information system shall have Level 1 Access. Level 1 Access is information that relates to a child:

1. Who:
 - a. A school official has reasonable grounds to believe has committed an offense for which a report is required under Education Code 37.015; or
 - b. Has been expelled, the expulsion of which is required to be reported under Family Code 52.041; and
2. Who has not been charged with a fineable only offense, a status offense, or delinquent conduct.

Family Code 58.306

Information that is part of a local juvenile justice information system is not public information and may not be released, except as authorized by law. *Family Code 58.307*

CPS INVESTIGATIONS
AT SCHOOL

A school official may not refuse to permit a CPS investigator to interview at school a student who is alleged to be a victim of abuse or neglect under Family Code 261. A school official may not require the CPS investigator to permit District personnel to be present at a student interview conducted at school. *Family Code 261.302(b), 261.303(a); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of a CPS investigation shall release that information to DFPS on request. The release of infor-

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mation to DFPS as required by this subsection by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

CPS INVESTIGATIONS
OF SCHOOLS

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code 261. Investigations of school personnel or volunteers for child abuse or neglect shall be conducted by CPS in accordance with the procedures adopted in DFPS rule. *Family Code 261.406; 40 TAC 700.401–.412*

NOTIFICATION TO
PRINCIPAL

Prior to conducting an investigation of school personnel or volunteers, CPS shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time when the investigator plans to visit the school campus to begin the investigation.

The CPS investigator must request that the school principal (or the principal's supervisor) not alert the alleged perpetrator or others regarding the report until the investigator has first had an opportunity to interview the alleged perpetrator.

40 TAC 700.407

CONDUCTING
INTERVIEWS

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by the CPS investigator, provided the investigator notifies the school principal (or that individual's supervisor in the event that the principal is the alleged perpetrator) prior to conducting an interview or examination on school premises.

PARTICIPANTS

CPS may request that school personnel or volunteers not be present during the interview or examination of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

Family Code 261.303; 40 TAC 700.409(a)

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REPORT OF
FINDINGS

After DFPS has closed the school investigation, CPS shall provide a report of the investigation to TEA, SBEC, the Board President, and the school principal, unless the principal is the alleged perpetrator.

CPS need not provide a report of the investigation if a report of abuse or neglect is closed administratively prior to notification to any school official that a report was received by DFPS.

40 TAC 700.411(a), (d)

VISITING SCHOOL
RESOURCE OFFICER

"School resource officer" means a peace officer who is licensed under Occupations Code Chapter 1701 and assigned by the officer's employing political subdivision to provide:

1. A police presence at a public school;
2. Safety or drug education to students; or
3. Other similar services.

Occupations Code 1701.601, 1701.602

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Education Code 37.015 requires principals to make reports to local law enforcement authorities of certain classes of offenses, four of which are referenced entirely by citation. The offenses referenced only by citation are further defined below.

1. "Conduct that may constitute an offense listed under Section 508.149, Government Code":
 - a. An offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure (use or exhibition of a prohibited weapon during commission of or flight from a felony offense).
 - b. A first or second degree felony under Penal Code 19.02 (murder).
 - c. A capital felony under Penal Code 19.03 (capital murder).
 - d. A first or second degree felony under Penal Code 20.04 (aggravated kidnapping).
 - e. An offense under Penal Code 21.11 (indecenty with a child).
 - f. A felony under Penal Code 22.011 (sexual assault).
 - g. A first or second degree felony under Penal Code 22.02 (aggravated assault).
 - h. A first degree felony under Penal Code 22.021 (aggravated sexual assault).
 - i. A first degree felony under Penal Code 22.04 (injury to a child, elderly individual, or disabled individual).
 - j. A first degree felony under Penal Code 28.02 (arson).
 - k. A second degree felony under Penal Code 29.02 (robbery).
 - l. A first degree felony under Penal Code 29.03 (aggravated robbery).
 - m. A first degree felony under Penal Code 30.02 (burglary).
 - n. A felony for which punishment is increased under Health and Safety Code 481.134 (drug-free zones) or 481.140 (use of child in commission of offense).
 - o. An offense under Penal Code 43.25 (sexual performance by a child).
 - p. An offense under Penal Code 21.02 (continuous sexual abuse of young child or children).
2. "Deadly conduct under Section 22.05, Penal Code":
 - a. A person commits an offense if he or she recklessly engages in conduct that places another in imminent danger of serious bodily injury.
 - b. A person commits an offense if he or she knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.

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- c. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

3. "Terroristic threat under Section 22.07, Penal Code":

A person commits an offense if he or she threatens to commit any offense involving violence to any person or property with intent to:

- a. Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
- b. Place any person in fear of imminent serious bodily injury;
- c. Prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- d. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
- e. Place the public or a substantial group of the public in fear of serious bodily injury; or
- f. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

4. "Conduct that may constitute a criminal offense under Section 71.02, Penal Code" (Engaging in Organized Criminal Activity):

A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he or she commits or conspires to commit one or more of the following:

- a. Murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;
- b. Any gambling offense punishable as a Class A misdemeanor;
- c. Promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
- d. Unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;
- e. Unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;
- f. Any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

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- g. Any offense under Penal Code Chapter 43, Subchapter B depicting or involving conduct by or directed toward a child younger than 18 years of age (Chapter 42, Subchapter B prohibits obscenity including: sale, distribution, or display of material harmful to minor; sexual performance by a child; employment of a child in a sexually oriented activity or a place where the child works nude or topless; and possession or promotion of child pornography);
- h. Any felony offense under Penal Code Chapter 32 (fraud);
- i. Any offense under Penal Code Chapter 34 (money laundering) or Chapter 35 (insurance fraud);
- j. Any offense under Penal Code Chapter 36 (bribery and corrupt influence);
- k. Any offense under Penal Code 37.11(a) (impersonating a public servant);
- l. Any offense under Penal Code Chapter 20A (trafficking of persons);
- m. Any offense under Penal Code 37.10 (tampering with government record);
- n. Any offense under Penal Code 38.06 (escape), 38.07 (permitting or facilitating escape), 38.09 (providing a person in custody or an inmate with an implement for escape), or 38.11 (providing prohibited or controlled substances or items to person in custody or an inmate).

RELATIONS WITH GOVERNMENTAL ENTITIES
INTERLOCAL COOPERATION CONTRACTS

GRB
(LEGAL)

The District may contract with another local government or a federally recognized Indian tribe that is located in Texas. A party to an interlocal contract may contract with a state agency or similar agency of another state.

An interlocal contract may:

1. Study the feasibility of the performance of a governmental function or service by interlocal contract; or
2. Provide a governmental function or service that each party to the contract is authorized to perform individually.

An interlocal contract shall comply with the requirements at Government Code Chapter 791. [See CH for interlocal purchasing contracts]

Gov't Code 791.011

HEALTH-CARE AND
HOSPITAL SERVICES

The District may contract with another local government authorized to provide health-care and hospital services to provide those services for the District's officers and employees and their dependents. *Gov't Code 791.030*

A hospital district may contract with a school district included in the hospital district to provide nursing services and assistance to employees or students of the District. *Health and Safety Code 281.0465*

TRANSPORTATION
SYSTEM

The Board may establish and operate an economical public school transportation system outside the District if the District enters into an interlocal contract as provided by Government Code Chapter 791. *Education Code 34.007(a)*

SCHOOL CROSSING
GUARDS

A municipality with a population greater than 850,000 may contract with one or more school districts to provide school crossing guards. Under such a contract, the District may provide school crossing guard services to areas of the municipality that are not part of the District. *Local Gov't Code 343.012*

RELATIONS WITH GOVERNMENTAL ENTITIES
EMERGENCY MANAGEMENT

GRC
(LEGAL)

EMERGENCY
ASSISTANCE

The District may provide emergency assistance to another local government, whether or not the District and the local government have previously agreed or contracted to provide that kind of assistance, if:

1. In the opinion of the presiding officer of the other local government, a state of civil emergency exists that requires assistance from the District and the presiding officer requests assistance; and
2. Before the emergency assistance is provided, the Board authorizes the District to provide the assistance by resolution or other official action.

Similarly, if in the opinion of the Board President a civil emergency exists in the District that requires assistance from another local government, the Board President may request assistance.

Gov't Code 791.027

MUTUAL AID

A district that maintains the capability to provide mutual aid may render mutual aid to other local government entities under mutual aid agreements or the Texas Statewide Mutual Aid System. *Gov't Code 418.107(c)*

The District may provide mutual aid assistance on request from another local government entity or organized volunteer group. The Superintendent, with the approval and consent of the Board President, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the Board. *Gov't Code 418.109(d)*

DEFINITIONS

LOCAL
GOVERNMENT
ENTITY

"Local government entity" means a county, incorporated city, independent school district, public junior college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under Texas law that maintains the capability to provide mutual aid.

MUTUAL AID

"Mutual aid" means a homeland security activity, as defined by Government Code 421.001, performed under the system or a written mutual aid agreement.

Gov't Code 418.004

REQUESTS FOR
ASSISTANCE

A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing not later than the 30th day after the date the request was made. *Gov't Code 418.115*

ABILITY TO RENDER
ASSISTANCE

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When contacted with a request for mutual aid assistance, the District shall assess local resources to determine availability of personnel, equipment, and other assistance to respond to the request.

A responding local government entity may provide assistance to the extent personnel, equipment, and resources are determined to be available. A local government entity is not required to provide mutual aid assistance unless the entity determines that the entity has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.

Gov't Code 418.1151

SUPERVISION AND
CONTROL

When providing mutual aid assistance under the system:

1. The response effort must be organized and function in accordance with the National Incident Management System guidelines;
2. The personnel, equipment, and resources of the District being used in the response effort are under the operational control of the requesting local government entity unless otherwise agreed;
3. Direct supervision and control of personnel, equipment, and resources and personnel accountability remain the responsibility of the designated supervisory personnel of the District;
4. The designated supervisory personnel of the District shall:
 - a. Maintain daily personnel time records, material records, and a log of equipment hours;
 - b. Be responsible for the operation and maintenance of the equipment and other resources furnished by the District; and
 - c. Report work progress to the requesting local government entity;
5. The District's personnel and other resources are subject to recall at any time, subject to reasonable notice to the requesting local government entity.

Gov't Code 418.1152

DURATION OF AID

The provision of mutual aid assistance under the system may continue until:

1. The services of the District are no longer required; or

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2. The District determines that further assistance should not be provided.

Gov't Code 418.1153

EMPLOYEE RIGHTS
AND PRIVILEGES

A person assigned, designated, or ordered to perform duties by the district employing the person in response to a request under the Texas Statewide Mutual Aid System is entitled to receive the same wages, salary, pension, and other compensation and benefits, including injury or death benefits, disability payments, and workers' compensation benefits, for the performance of the duties under the system as though the services were rendered for the entity employing the person.

The district employing the person is responsible for the payment of wages, salary, pension, and other compensation and benefits associated with the performance of duties under the system.

Gov't Code 418.116

REIMBURSEMENT
OF COSTS

If the division of emergency management in the office of the governor requests the provision of assistance and the District responds, the state shall reimburse the actual costs of providing assistance, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the District. A request for reimbursement made to the division must be made in accordance with procedures developed by the division. *Gov't Code 418.118*

If a local government entity requests mutual aid assistance from the District under the system, the requesting local government entity shall reimburse the actual costs of providing mutual aid assistance to the District, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the District in response to a request for reimbursement. Local government entities with a mutual aid agreement when the request for mutual aid assistance is made are subject to the agreement's terms of reimbursement, as provided by Government Code 418.111. *Gov't Code 418.1181*

EMERGENCY
MANAGEMENT
TRAINING

This section applies only to an appointed public officer:

1. Whose position description, job duties, or assignment includes emergency management responsibilities; or
2. Who plays a role in emergency preparedness, response, or recovery.

An appointed public officer shall complete a course of training provided or approved by the division of emergency management in

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EMERGENCY MANAGEMENT

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(LEGAL)

the office of the governor of not less than three hours regarding the responsibilities of state and local governments under Government Code Chapter 418 not later than the 180th day after the date the person:

1. Takes the oath of office, if the person is required to take an oath of office to assume the person's duties as an appointed public officer; or
2. Otherwise assumes responsibilities as an appointed public officer, if the person is not required to take an oath of office to assume the person's duties.

The division or other entity providing the training shall provide a certificate of course completion to public officers who complete the training required by this section. A public officer who completes the training required by this section shall maintain and make available for public inspection the record of the public officer's completion of the training.

Not later than January 1, 2009, each public officer who has taken the oath of office for the District office before January 1, 2008, and who is required to complete a course of training under this section must complete the training.

Gov't Code 418.005

[See CKC for emergency management within the District]