

Update 97 contains (LOCAL) policies that require board action before we can incorporate Update 97 into your district's Policy On Line manual.

Please notify Loretta Jeschke of your policy adoption by **faxing this form to 512-467-3618**, or by **e-mailing your notification to pol-support@tasb.org**, or by **completing the form electronically through Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>)** using your myTASB login and clicking the "Notify TASB of Policy Adoption" link.

028903 Luling ISD

Your Name: _____

Your E-mail: _____

We will send a confirmation e-mail when your update is placed online.

Previous Updates

- I confirm that all updates prior to Update 97 have been adopted. (Visit <http://www.tasb.org/apps/policyUpdates/index.aspx> to see updates pending adoption. Your Local Manual Updates will remain available through myTASB until your district notifies us of adoption.)

Update 97 Adoption Date: _____

Status (please check one):

- Adopted as presented by TASB—place online immediately
- Adopted with further changes, described below*

* If you have changes to the listed policies that you have not already sent to your policy consultant, please attach the policies to this form or e-mail them to your consultant to ensure they are processed as a Local District Update. Your policy consultant may contact you about these policies, if necessary.

If you have any questions, please contact Loretta Jeschke by phone at 800-580-7529.

Update 97

Adoption Notification Form Policy On Line®

TASB Policy Service

Fax: 512-467-3618



Localized Policy Manual

Update 97

Please remember: Log in to myTASB.tasb.org and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

Luling ISD

Update 97 addresses several recent amendments to the Texas Administrative Code. While many of these rule changes may be affected by the 83rd Texas Legislative Session, the update reflects the Administrative Code text currently in effect in an effort to maintain the manual with current law. Major topics affected by the rule changes include instructional materials, bilingual education, communicable diseases, state assessments, and the Texas Virtual School Network. Other changes at Update 97 incorporate federal laws, including new Family and Medical Leave Act rules, a provision from the Fostering Connections to Success and Increasing Adoptions Act, and provisions from the recently enacted Uninterrupted Scholars Act of 2013.

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 97 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 97 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 97 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 at 800-580-7529 or 512-467-0222.

Regarding board action on Update 97 . . .

- Board action on Localized Update 97 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 97, affecting (LOCAL) policies (see attached list of codes).” 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 97, 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 97 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 97 [with the following changes:]”
- The board’s action on Localized Update 97 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 *Administrator’s Guide to Policy Management* available in the myTASB Policy Service Resource Library 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 97 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), by fax (512-467-3618, using the Update 97 Adoption Notification Form enclosed), by e-mail (pol-support@tasb.org), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 97 policy changes should be inspected and revised by the district as needed.

PLEASE NOTE: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Instruction Sheet

TASB Localized Policy Manual Update 97

District Luling ISD

Code	Action To Be Taken	Note
A25 (INDEX)	Replace cross-index	Revised cross-index
CMD (LEGAL)	Replace policy	Revised policy
CNA (LOCAL)	No policy enclosed	See explanatory note
CRE (LEGAL)	Replace policy	Revised policy
DBAA (LOCAL)	ADD policy	See explanatory note
DECA (LEGAL)	Replace policy	Revised policy
DFAB (EXHIBIT)	Replace exhibit	Revised exhibit
DMC (LOCAL)	DELETE policy	See explanatory note
DPB (LOCAL)	DELETE policy	See explanatory note
E (LEGAL)	Replace table of contents	Revised table of contents
EHBE (LEGAL)	Replace policy	Revised policy
EHBI (LEGAL)	Replace policy	Revised policy
EHDE (LEGAL)	Replace policy	Revised policy
EIF (LEGAL)	Replace policy	Revised policy
EKB (LEGAL)	Replace policy	Revised policy
EKBA (LEGAL)	Replace policy	Revised policy
FD (LEGAL)	Replace policy	Revised policy
FFAB (LEGAL)	Replace policy	Revised policy
FFAD (LEGAL)	Replace policy	Revised policy
FL (LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 97

District: Luling ISD
A25 (INDEX) CROSS-INDEX

The cross-index—shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual*—has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in August 2012.

Please bear in mind that the cross-index is “generic” and presents a structure that serves all these manuals; your policy manual may not address some of the topics shown and may not include some of the policies indicated. This cross-index is also a key element used in searching Policy On Line.

CMD (LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Amendments to the Administrative Code, effective July 8 and July 23, 2012, resulted in changes throughout this legally referenced policy, including:

- New text at FUNDING on page 1 providing that the district must code the instructional materials allotment (IMA) as revenue in the manner required by TEA.
- A new provision at NO APPEAL stating that the amount of the IMA determined by the Commissioner is final and may not be appealed.
- New provisions on page 2 addressing how the Commissioner will calculate adjustments to a district’s IMA for HIGH ENROLLMENT GROWTH and the procedures a district can follow to request an adjustment for enrollment growth not reflected in the state calculation.
- Clarification, beginning on page 2, that IMA PERMITTED EXPENDITURES include non-adopted instructional materials but not the purchase or installation of the physical conduit for data transmission, purchase of office and school supplies, or payment of travel expenses.
- On page 4, a requirement for the district to determine a VALUE for its instructional materials, as they are considered assets.
- Clarification that DISTRIBUTION of instructional materials may involve providing access to the materials rather than distributing printed materials.
- Beginning on page 5, new provisions addressing requisition of and access to BRAILLE AND LARGE-TYPE MATERIALS for teachers, students, and parents.
- Clarification on page 6 that the CERTIFICATION OF INSTRUCTIONAL MATERIALS must be made prior to the beginning of each school year in a format approved by the Commissioner; be ratified by the board in a public meeting; include supporting documentation, if requested by the Commissioner; and may include consideration of both adopted and non-adopted materials. A district may not submit a requisition request for the following school year until the Commissioner receives the certification for the current school year.
- Existing text on page 7 at RESPONSIBILITY FOR INSTRUCTIONAL MATERIALS AND EQUIPMENT explaining that the board cannot require an employee to pay for materials and equipment that are stolen, misplaced, or not returned by a student.
- New provisions on page 9 making the district responsible for LOST, DAMAGED, OR WORN OUT INSTRUCTIONAL MATERIALS and outlining the procedures the district must follow to dispose of and replace the materials.

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- Beginning on page 9, additional detail on the procedures for the SALE OR DISPOSAL of instructional materials and technological equipment, including a requirement to certify to TEA that new materials purchased from sale proceeds cover the TEKS and a requirement that prior to any disposal the district notify the Commissioner of the instructional materials to be disposed of and the method of disposal.
- Clarification on page 10 that the district's ANNUAL INVENTORY must include adopted and non-adopted instructional materials and technological equipment and must be recorded in the EMAT system.
- Deletion of provisions addressing out-of-adoption instructional materials.

Citations have been adjusted throughout the policy.

CNA (LOCAL) TRANSPORTATION MANAGEMENT STUDENT TRANSPORTATION

If a district requests funding to transport students who live in hazardous areas within two miles of the school, the TEA Transportation Allotment Handbook requires board policy identifying the hazardous conditions that exist within two miles of the campus as well as the specific hazardous areas.

Policy Service records indicate that your district does not have policy language on this topic. **If your district requests funding to transport students who live in hazardous areas within two miles of the school, please contact your policy consultant about the local board policy requirements.**

CRE (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT WORKERS' COMPENSATION

An existing statutory provision has been added to this legally referenced policy on workers' compensation, allowing the board to cover as an employee under workers' compensation a board member or paid election worker. See OPTIONAL COVERAGES on page 1.

DBAA (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CRIMINAL HISTORY AND CREDIT REPORTS

In April 2012, the Equal Employment Opportunity Commission (EEOC) issued updated guidance regarding the role of arrest and conviction records in employment decisions, available at http://www1.eeoc.gov/laws/guidance/arrest_conviction.cfm?renderforprint=1. The guidance indicates that, even if state law or local policy requires automatic exclusion from employment for a particular offense, a district may not refuse to hire a person who has been convicted of an offense listed in state law or local policy unless the district has determined that its decision is job-related and consistent with business necessity. This local policy is recommended for inclusion in the district's policy manual to address the EEOC guidance.

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The policy text included for your consideration reflects this process by explaining at DISQUALIFYING OFFENSES that all district positions have the potential for contact with students and that the district shall disqualify from employment a person whose criminal history indicates that the person poses a threat to students or employees. This language provides a basis for determining that the exclusion of a candidate for these offenses, which would include the state law offenses that make a person ineligible to work in a school district, are job-related and a business necessity. The policy language also provides that consistent with business necessity the district shall disqualify a person whose criminal history is otherwise inconsistent with the job duties of the position. This provision could apply, for example, if a candidate with a conviction for money laundering applies for a position as the district's chief financial officer.

Reaching the conclusion that a decision to disqualify a candidate is job-related and consistent with business necessity will generally require an INDIVIDUALIZED ASSESSMENT of each final candidate's criminal history, taking into account a variety of factors, as listed in the policy.

The EEOC guidance states that an employment decision based solely on an arrest, without further justification, is not job-related and consistent with business necessity; therefore, the enclosed policy language states that the district shall not disqualify a person based solely on an ARREST. However, as permitted by the guidance, the district may base the employment decision on the conduct underlying the arrest if the conduct makes the person unfit for the job position in question.

Also included in the policy text is a reminder of the legal requirement to provide SBEC NOTIFICATION if a candidate who is certified by SBEC has a reported criminal history.

For further information, TASB Legal Services has published an FAQ addressing Criminal History Reviews of District Employees and Volunteers, including the EEOC guidance, at http://www.tasb.org/services/legal/esource/personnel/pers_emp_requirement.aspx#Criminal_Background_Checks. Corresponding administrative regulations will be included in Update 44 to the *TASB Regulations Resource Manual*, scheduled for release in early July.

CREDIT HISTORY checks as part of the hiring process are also addressed in this policy. A recommended provision explains that the district shall only obtain credit history checks when the person's credit history is related to the position. The district must comply with the Fair Credit Reporting Act before obtaining credit history.

Please note: DH(LOCAL), not included in this update, addresses changes in criminal history for current employees.

DECA (LEGAL) LEAVES AND ABSENCES FAMILY AND MEDICAL LEAVE

Changes to this legally referenced policy addressing the Family and Medical Leave Act (FMLA) are based on revised Department of Labor (DOL) rules, published on February 5, 2013. Provisions were moved within the rules, resulting in several citation changes. In addition, at QUALIFYING EXIGENCY on page 3, the amended rules provide that an employee may take qualifying exigency leave for *parental care*. The DOL has published Frequently Asked Questions, available at http://www.dol.gov/whd/fmla/2013rule/militaryFR_FAQs.htm#3. The FAQs explain that an employee who is a military member can take exigency leave for certain activities related to the care of the employee's parent who is incapable of self-care, such as admitting or transferring a parent to a new care facility or attending meetings with staff at a care facility, if those activities arise from the employee's covered active duty.

Although not detailed in the policy, the rules also revised the definition of *covered servicemember* referred to at QUALIFYING REASONS FOR LEAVE at item 6 on page 3 to include servicemembers who are no longer on active military service, which would include certain veterans. The change applies to military caregiver leave.

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In addition to the changes from the DOL rules, we have made a correction at INTERMITTENT OR REDUCED LEAVE SCHEDULE on page 6 and added a provision on page 19 at RECORDS explaining that records and documents created for FML purposes that contain family medical history or genetic information must be maintained in accordance with the confidentiality requirements of the Genetic Information Nondiscrimination Act (GINA).

DFAB (EXHIBIT) PROBATIONARY CONTRACTS TERMINATION AT END OF YEAR

This exhibit addresses notice of the board's decision to terminate an employee's probationary contract at the end of the contract period. The recommended revision to this exhibit adds a form for district staff to document how the notice of termination was delivered to the employee, in accordance with legal provisions requiring an attempt at hand delivery.

DMC (LOCAL) PROFESSIONAL DEVELOPMENT CONTINUING PROFESSIONAL EDUCATION

This local policy is recommended for deletion from the district's policy manual. The provisions in this locally developed policy, which date from 2002, relate to release time potentially being awarded to employees who are pursuing educational opportunities at nearby universities and colleges. As there are numerous current opportunities for people to enroll in university courses online or face-to-face courses after traditional work hours, this text now appears to be obsolete. Reminders about an employee's duty hours and any exceptions to these requirements can be communicated in the district's employee handbook instead.

DPB (LOCAL) PERSONNEL POSITIONS SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

This local policy is recommended for deletion from the district's policy manual as it no longer matches the practices of many districts. The district HR staff is usually responsible for accepting applications from substitutes and handling the other administrative details of employment, such as ensuring that the district has the correct documents on file. In addition, many districts use an electronic system to track and call substitutes for assignments. Pay for substitutes should be addressed along with pay for other employees in the compensation plans adopted by the board, as described in DEA(LOCAL), which is not included in this update.

E (LEGAL) INSTRUCTION

We have changed the title of EKBA to English Language Learners/LEP Students to reflect new terminology from state rules.

See the explanatory note for EKBA below for further information.

Explanatory Notes

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EHBE (LEGAL) SPECIAL PROGRAMS
BILINGUAL EDUCATION/ESL

Amendments effective March 14, 2013, moved Administrative Code rules addressing LEP STUDENTS AND STATE ASSESSMENTS, reflected on page 10, from Subchapter A to Subchapter AA in 19 TAC Chapter 101.

EHBI (LEGAL) SPECIAL PROGRAMS
ADULT AND COMMUNITY EDUCATION

An amendment to the Administrative Code effective February 28, 2013, explains that a district shall not charge TUITION AND FEES for adult education unless statutorily authorized to do so. See page 2.

EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

Extensive revisions to this legally referenced policy on distance learning are from new Administrative Code rules on the Texas Virtual School Network (TxVSN), effective February 27, 2013.

The rules clarify that the TxVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

The rules provide detail for a school district to operate an ONLINE SCHOOL PROGRAM, which is a full-time, virtual instructional program for students in grades 3–12.

Provisions have been added at PROVIDER DISTRICTS beginning on page 2 to specify eligibility standards for a school district to serve as an OLS or as a statewide course catalog provider and to explain GENERAL REQUIREMENTS for both types of provider districts.

On page 4, new text reflects that an OLS may offer PROVISIONAL ENROLLMENT to a student for ten school days under certain circumstances.

Beginning on page 5, we have added provisions addressing student ENROLLMENT, ADVANCEMENT, AND WITHDRAWAL and explaining COMPULSORY ATTENDANCE for students taking an electronic course in an OLS program or the statewide course catalog.

A new provision at STUDENT ASSESSMENT on page 8 clarifies that districts participating in the OLS program are included in the state's academic accountability system.

At COURSE COST, the rules clarify when a district may charge students the *course cost* rather than a *fee*, and specify that the nominal fee that may be charged in certain circumstances may not exceed \$50.00. The provider district will receive no more than 70 percent of the course cost prior to the student successfully completing the course and the remaining 30 percent after the student successfully completes the course.

The rules also add considerable detail on the requirements for EDUCATORS OF ELECTRONIC COURSES and the standards for REVOCATION of a district's right to participate in the TxVSN, beginning on page 9.

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EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

Amendments to the Administrative Code effective May 29, 2012, and March 14, 2013, resulted in a revision on page 1 to refer to successful completion of *state-required* rather than *exit-level* assessments.

On page 2, the rule amendments clarify that to receive a high school diploma, a student receiving SPECIAL EDUCATION services must successfully complete the requirements of his or her IEP, including performance on a state assessment required for graduation. However, a student's ARD committee shall determine if the student must meet satisfactory performance on an assessment for graduation.

Citations have been updated throughout.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Amendments to the Administrative Code effective March 14, 2013, resulted in multiple changes to this legally referenced policy on state assessment. Significant substantive changes include:

- Modification of the superintendent's duties regarding test ADMINISTRATION on page 2.
- Clarification of the EXCEPTION from state testing requirements for a student in grades 3–8 who is enrolled in a course above the student's enrolled grade level. See page 4.
- Additional provisions beginning on page 5 addressing END-OF-COURSE ASSESSMENTS for students enrolled in the MINIMUM or RECOMMENDED OR ADVANCED/DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM, EXCEPTIONS to end-of-course (EOC) requirements for students who received credit for a course with an EOC assessment prior to enrollment in a Texas district or who completed a course with an EOC assessment prior to the 2011–12 spring administration, and testing requirements for STUDENTS ENROLLED BELOW HIGH SCHOOL LEVEL.
- At SATISFACTORY PERFORMANCE beginning on page 6, additional detail on calculating the CUMULATIVE SCORE and the effect of a student receiving the MINIMUM SCORE.
- Additional provisions on EOC assessment requirements when a student received course credit through credit by examination or is participating in a distance learning, correspondence, or dual-credit course. See ALTERNATIVE METHODS FOR EARNING CREDIT on page 7.
- Additional provisions explaining testing requirements for students receiving SPECIAL EDUCATION services and application of the 15 percent course grade requirement when a student is administered an alternate form of an EOC assessment.
- Clarification of the 15 percent course grade requirement at IMPACT ON GRADES on page 8.
- Clarification that an EOC assessment RETAKE will count toward the cumulative score only if the re-take is higher than the student's previous assessment score and that a student is not required to re-take an assessment if the student failed the course but achieved at least a minimum score on the assessment.
- An additional provision on student REQUESTS TO TAKE AN EOC ASSESSMENT on page 9.
- Deletion of a provision exempting foreign exchange students from exit-level testing requirements if the student has no intention of receiving a Texas high school diploma.
- Reorganization and updating of the provisions on EXIT-LEVEL ASSESSMENTS.

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A new Administrative Code rule effective March 26, 2012, adds detail on test SECURITY, clarifies that viewing a test before, during, or after an assessment when not authorized to do so is a violation of TEA's Test Security Supplement, and adds new provisions referring to the criminal PENALTIES that could result from release or disclosure of confidential test content and the SBEC's authority to take action against an educator who fails to cooperate with a TEA investigation. See pages 11–13.

Citations have been updated throughout.

EKBA (LEGAL) STATE ASSESSMENT ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

This legally referenced policy addressing English language learners has been reworked as a result of rule changes effective December 22, 2011, and March 27, 2013. The changes include:

- Throughout the policy, the text has been adjusted to reflect the terminology in the rules, which use both English language learner and student of limited English proficiency (LEP).
- Updated DOCUMENTATION requirements for the Language Proficiency Assessment Committee (LPAC) now include the decisions and justifications related to assessments.
- DEFINITIONS have been grouped at the beginning of the policy, beginning on page 1, and the definition of “immigrant” has been deleted.
- New details on TESTING IN GRADES 3–8 include when a student may be administered the Spanish-version assessment or the linguistically accommodated English version of the math, science, or social studies assessments. Certain unschooled asylees or refugees shall be granted an assessment exemption from testing in grades 3–8 during the first school year the student is enrolled in a U.S. public school. See page 3.
- New detail has been added on exemptions for English language learners regarding END-OF-COURSE ASSESSMENTS.
- On page 4 is a new requirement for the LPAC to document in the student's permanent record the reason an English language learner was granted a POSTPONEMENT from exit-level testing.
- English language learners who had inadequate schooling outside the United States continue to be eligible for LIMITED LEP EXEMPTIONS. During a student's second and third years of enrollment, the student may be granted an exemption if the LPAC determines that the student lacks sufficient English proficiency for the assessment to measure academic progress.
- The LPAC may still administer a Spanish assessment to NON-LEP STUDENTS enrolled in a bilingual program if the LPAC determines that the assessment is the most appropriate measure of academic progress. However, the rules deleted the previous statement that the student could not be administered the Spanish assessment for longer than three years.
- On page 6, text at SPECIAL EDUCATION clarifies that the ARD committee, in conjunction with the LPAC, shall determine and document allowable testing accommodations and whether the student qualifies to be administered an alternate assessment instrument.
- Certain English language learners receiving special education services who also meet the definition of an unschooled asylee or refugee shall be granted an assessment exemption from testing in grades 3–8 during the first school year the student is enrolled in a U.S. public school.

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FD (LEGAL) ADMISSIONS

At STUDENTS IN FOSTER CARE on page 5, we have added a provision from the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which addresses educational stability for students in foster care, specifically when there are changes in placement. One of the requirements of the Act, as added to this legally referenced policy, is for the Department of Family and Protective Services to coordinate with the school district to ensure that the child remains in the school in which the child is enrolled at the time of placement, if remaining is in the child's best interest.

Under Texas law, students in grades 9–12 who are placed in foster care must be allowed to finish high school at the school where the child was enrolled at the time of the placement without payment of tuition. Students in other grades who move out of the district due to foster care placement will be required to submit a transfer request to remain in the original district. For districts that wish to give special consideration to these transfer requests in an effort to maintain educational stability of the student, TASB Policy Service has sample policy text available. If you would like to review the sample policy provisions, please contact your policy consultant.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES IMMUNIZATIONS

At the Note on page 1, we have replaced the link to the chart of *Texas Minimum State Vaccine Requirements for Students Grades K–12* with a link to the Texas Department of State Health Services web page on immunization requirements, which provides additional information for districts.

FFAD (LEGAL) WELLNESS AND HEALTH SERVICES COMMUNICABLE DISEASES

Provisions on student EXCLUSION from attendance for communicable conditions and diseases have been revised to better reflect Administrative Code rules, which require a principal to exclude a child having or suspected of having a COMMUNICABLE CONDITION, as listed in the Administrative Code, or a COMMUNICABLE DISEASE, as designated by the Commissioner of Health. A principal may not readmit a student who has been excluded because of a communicable disease until the listed readmission criteria are met.

Citations throughout this legally referenced policy and the link to the Department of State Health Services information on communicable diseases in the Note on page 2 have been updated based on amended Administrative Code rules, effective December 20, 2012.

FL (LEGAL) STUDENT RECORDS

Two items have been added to the list of persons to whom a district may release student personally identifiable information without parental consent at ACCESS BY OTHER PERSONS, beginning on page 7:

- Item 9, on page 10, is an existing statutory provision that allows release to the Secretary of Agriculture or representatives from the Food and Nutrition Service for the purpose of conducting program monitoring, evaluations, and performance measurements of districts under the National School Lunch Act or the Child Nutrition Act.

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- Item 10 comes from the Uninterrupted Scholars Act of 2013, effective January 14, 2013. The Act amends FERPA and, as reflected in the policy text, allows a district to release information to certain individuals when a state agency has responsibility for the care and protection of the student. In this situation, release can be made to a caseworker or other state or local child welfare agency representative who has the right of access to a student's case plan.

Also from the Uninterrupted Scholars Act is a new provision on page 12 allowing a district to release SUBPOENAED RECORDS without notifying the parent if the parent is party to a court proceeding involving child abuse and neglect or dependency, and the court order is issued as a result of those proceedings.

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.

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- curriculum EG
- discipline management program FNC
- district and campus plans BQ, BQA, BQB
- financial exigency CEA
- instructional materials EFA, EFAA
- library, audio-visual materials EFA
- policies BF
- sex education instructional materials EHAA
- student code of conduct FNC, FO
- supplementary materials EFA, EFAA
- tax rate CCG
- adoption leave DEC
- adult education program EHBI
- advanced/distinguished achievement program EIC, EIF
- advanced placement courses EIC, EIF
- advertising
 - on school buses CNB
 - in schools GKB
 - in student publications FMA
 - outdoor GKB
 - political CPAB
 - use of district mail system CPAB
- advisory committees/councils BDF, BQ, BQA, BQB, DGB
- affirmative action DAA
- after-school care FD, FFC
- agenda, board meetings BE, BEC, BED
- agents, solicitors, vendors CHE, GKC
- aggression DIA, FFH, FNC
- AHERA (Asbestos Hazard Emergency Response Act) CKA
- AIDS/HIV and other communicable diseases DAA, DBB, EHAA, FFAD, FL
- alcohol awareness instruction EHAC
- alcohol use
 - by board members BBC
 - by employees DFBB, DH, DHE, DI
 - by students FNCF, FOC, FOD, FOF
 - by superintendent BJCF
 - by visitors GKA, GKD
- alternate recording time (See attendance)
- alternative assessment EIE
- amendment
 - board policy BF
 - budget CE
 - regulations BP
 - student records FL
- Americans With Disabilities Act Amendments Act of 2008 (ADAAA)
 - access to facilities GA
 - employment procedures DAA
 - grievance procedures DGBA, DIA, GF
 - medical examinations DBB
- anabolic steroids EHAA, FFAC, FNCF
- anaphylaxis FFAC, FFAF
- animals in the school EMG, FBA
- annual operating budget
 - board responsibility BAA
 - financial exigency CEA
 - preparation CE
 - process/deadlines CE
 - public hearings BDAA, CE
 - superintendent's responsibility BJA
- annual reports (See reports)

annuities, salary deductions/reductions CFEA, CRG
 appeals
 employee DGBA, EFA
 parent EFA, FNG, GF
 public EFA, GF
 student EFA, FB, FNG, FOD
 appraisal
 personnel DN, DNA, DNB
 superintendent BJCD
 appraisal district BDAF, CCH
 architects and engineers BEC, CS, CV
 ARD (Admission, Review, and Dismissal) committee EHBA,
 EHBAA, EHBAB, EHBAC, EHBAD, EHBAE, EIE, EIF,
 EKB, EKD, FOF
 arrest of students FL, GRA
 asbestos CKA
 assault DEC, DI, FNCH, FOC, FOD, GRA
 assault (recuperative) leave DEC
 assemblies EC
 assessment EIE, EK, EKB, EKBA, EKC, EKD
 assignment of personnel BJA, DK, DP
 assignment of students
 attendance zones FC, FDB
 disciplinary alternative education programs (DAEP) FO,
 FOA, FOB, FOC, FOCA, FODA, FOF
 from home schools FD
 intradistrict FDB
 parental request FDB, FNG
 residence requirements FD, FDA, FDB
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAE
 assistance and counseling, students FFB, FFE, FFEA
 athletics
 awards FG
 facilities CCE, CX, GKD
 insurance FFD
 passes BBG
 program FM, FMF
 stadium authority CCE
 at-risk students EHBC, EIE
 attendance
 employees DEC
 records and reports DEC, FEC, FED
 students FDA, FDB, FE, FEA, FEB, FEC, FED, FEE,
 FEF
 accounting (ADA) FEB
 attendance officer FED
 compulsory FEA
 for credit FEC
 open/closed campus FEE
 release time FEF
 zones FC
 attorney, board BDD
 at-will employment DC, DCD
 audio-visual materials CY, EF, EFA, EFAA, EFB
 auditors, independent CFC
 audits
 energy CL
 fiscal accounts CFC
 safety and security BR, CK
 school activity funds CFD
 authority, line of BKB
 authorization agreement EIE, FD
 automated external defibrillator (AED) CKD, DMA
 automatic admission EIC, EJ
 automobile use by students CLC, FFFD
 available school fund CBA
 average daily attendance FEB

award of credit EI, FEC
 awards
 board members BBG
 employees DJ
 students FG
 AYP (See Adequate Yearly Progress)

- B -

band program EHAD, FM, FMF
 bank depository BBFB, BDAE
 bankruptcy discrimination DAA
 basic instructional program EHAA
 before/after-school activities FM, FNAB
 benefits, employment CRD, CRE, DE, DEA, DEAA, DEAB,
 DEB, DEC, DECA, DECB, DED, DEE, DEG
 bicycle use FFFD
 bidding
 bus leases CH
 competitive CH, CV, CVA
 emergency repairs CH, CV
 maintenance CH, CV
 personal property CH
 professional services CH, CV
 bids, school depository BDAE
 bilingual instruction EHBE
 birth certificate DBA, FD
 block schedules EEC, EED, FM
 bloodborne pathogen exposure DBB
 board meetings
 agenda BE
 broadcasting and taping BE
 certified agenda BEC
 closed meeting BE, BEC
 emergency BE
 minutes BE
 news coverage BEE, GBBA
 organizational meeting after election BDAA
 posting notice BE
 press services BEE, GBBA
 public hearing/participation AIB, AIC, BDF, BE, BEC,
 BED, BQA, BQB, CCG, CE, CFA, CQ, DCE, DFD,
 DGBA, EHBL, FFA, FFC
 quorum BBB, BE
 regular/special BE
 rules of order BE
 suspension of rules BE
 time and place BE
 transacting business BBE, BE
 by video/conference call/Internet BE
 voting method BE
 board of trustees
 advisory committees BDF
 agenda for meetings BE
 annual reports BAA, BBFA, BR
 appointment BBC
 attorney BDD
 authority BA, BAA, BBE
 campaigning on school grounds BBB
 candidate qualifications BBA
 committees BDB
 conflict of interest BBFA, BBFB
 consultants BDE
 conventions, conferences, workshops BBD, BBG, BE
 duties, general and specific BAA, BDAA

election campaign funds BBBA
 elections BBB
 election of officers BDAA
 employment, former board member BBC, DC
 ethics BBBB, BBF
 evaluation of superintendent BJCD
 financial statement BBFA
 goals BBD
 immunity from liability BBE
 legal status BA
 liability insurance CRB
 meetings (See board meetings)
 memberships BC
 oaths BBB
 officers/internal organization BDAA
 orientation BBD
 policies, development/amendment of BF
 powers and duties BAA, BDAA
 public information program GB, GBA, GBB, GBBA
 quorum for board meetings BE
 quorum for canvassing election results BBB
 records responsibility BBE, CDC
 reimbursement of expenses BBG
 reorganization of officers BDAA
 resignation, removal from office BBC
 self-evaluation BG
 technology resources BBI
 term of office BBB
 training and orientation BBD
 travel BBG
 vacancy BBC
 bomb threats CKK
 bonded employees CG, CKE
 bonds
 bonds and bond taxes CCA
 campaigns CCA
 for insured loss CV
 payment and performance CV
 proceeds CDA
 recreational facilities CCD, CCE
 referenda CCA
 refunding CCA
 revenue CDBA
 booster organizations GE
 borrowing funds CCF
 Boy Scouts of America GKD
 breakfast program (See food service)
 bribery BBFB
 broadcasting and taping
 school board meetings BE
 sports and special events GBB, GBBA
 budget (See annual operating budget)
 budget and finance
 accounting system CF
 data management CPC
 depository, bank BDAE
 financial exigency CEA
 payroll procedures CFE
 buildings, equipment, grounds
 ADA compliance GA
 evaluation CS
 insurance program CR, CRA, CRB
 leasing and renting CX, GKD
 maintenance CLB
 operations CL, CMA
 playgrounds GRA
 records CLD
 responsibility of principal DP

safety CK, CKA, CKB, CKC, CKE, CLC
 security program CKE, CLA
 structural pest control CLB, DI, FD
 bullying CQ, FFI
 burglary and vandalism CLA, FNCF
 burglary damage report CLD
 buses (See also transportation)
 accident reports CNB
 conduct, student FO
 drivers, commercial driver's license DBA, DHE
 drug/alcohol testing of drivers DHE
 emergency evacuation of CNC
 leases CH, CNB
 maintenance CNBA
 routes CNA
 special use CNB
 seat belts, use of CNB
 video cameras FO
 businesses, relations with GKE
 bylaws (See policy system)

- C -

cafeteria plan deductions/reductions CFEA
 cafeteria, school CO, COA, COB
 cafeteria workers (See support staff)
 calendar
 annual, school year EB
 appraisal/evaluation of employees BJCD, DN, DNA,
 DNB
 budget CE
 payroll CFE
 campaign funds BBBA
 campaigning on district premises BBB, CPAB, DGA, GKD
 campus improvement plans and objectives BQ, BQA, BQB
 campus incentive plan (See also educator excellence
 awards) BQA, BQB
 Campus Intervention Team (CIT) AIC, DFBB
 campus, open or closed FEE
 campus planning and decision-making process BQ, BQB
 campus program charter EL
 campus ratings AIA, AIB
 capital equipment purchasing CHD
 capitalization planning CFB
 cardiopulmonary resuscitation
 certification DBA
 instruction EHBK
 career and technical education CNA, EEL, EHF, EIF
 career ladder DEAB
 care of school property CLB, FNCF
 cash in school buildings CFG
 cellular phones CPAC, FNCF
 censorship (See First Amendment)
 ceremonies and observances CLE, EMD
 certificate of coursework completion EI, EIF
 certificate of indebtedness CCC, CDA
 certification
 educator, failure to maintain DFBB
 lack of DBA, DK, DPB
 paraprofessional DBA
 professional DBA
 certified agenda BEC, GBA
 certified personnel (See educator certification)
 chain of command BKB
 change orders CH, CV

character education EHBK
 character plus schools GND
 charter schools AG, AH, EL
 checking accounts CFF
 check-writing procedures CFF, CHF
 cheerleaders FM, FMF
 chemicals, hazardous CKA, CLB, DI, GB
 child abuse BQ, DH, DIA, FFG, FFH, GRA
 child care, public school FFC
 Children's Internet Protection Act (CIPA) CQ
 child support CFEA
 chronic health conditions FFAF
 choral and music program EHAD, EMI, FM, FMF
 church, use of school facilities GKD
 CIPA (See Children's Internet Protection Act)
 city tax assessor-collector BDAF
 city tax office BDAF
 civic organizations GKE
 civil defense agency relations CKC, GKA, GKD, GRA
 civil defense and fire drills CKC
 civil rights DAA, DIA, FB, FFH, GA
 civil rights of minors FB, FFH, FN, GRA
 class gifts CDC, FJ
 classification of students by grade EIE
 class interruptions and disruptions EC, GKA
 class rankings EIC
 class size EEB
 cleanup procedures, bodily fluids FFAC
 closed board meetings BE, BEC
 closed campus FEE
 closed-circuit television EFF
 closing of school, emergencies CKC, GKD
 clubs FM, FNAB, FNCC
 COBRA (Consolidated Omnibus Budget Reconciliation Act)
 (See insurance)
 code of ethics
 board members BBD, BBF
 financial CAA
 personnel DBD, DH
 collateral BDAE, CDA
 collections, contributions, and membership fees FJ, FP
 college-bound students EJ
 college course work
 personnel DMC
 student EHDD
 college preparatory program EIF, EK
 colleges and universities, relations with GNC
 college visits FEA
 commencement FMH
 commercial sponsorship GKB
 commissioner, appeals to DFD, DGBA, FNG, GF
 committees
 administrative councils, cabinets, committees BM
 admission, review, dismissal (ARD) EHBA, EHBAA,
 EHBAB, EHBAC, EHBAD, EHBAAE
 attendance FEC
 board BDB
 board advisory BDF
 curriculum development EG
 faculty advisory council BQA, BQB
 food service advisory CO
 for selection of architects and engineers CV
 grade placement EIE
 instructional materials selection EFAA
 language proficiency assessment EHBE
 local school health advisory council BDF, EHAA, FFA
 parent advisory BDF, EHAA, FFA, GE
 placement review FOC

planning and decision-making BQ, BQA, BQB
 special education advisory EHBA, EHBAA, EHBAB,
 EHBAC, EHBAD, EHBAAE
 communicable diseases DAA, DBB, FFAD
 community
 organizations, relations with GKE, GKF
 press, relations with GBB, GBBA
 resource persons EFC
 school-community cooperation GE, GK, GKA, GKB,
 GKC, GKD, GKDA, GKE, GKF, GKG
 school-community guidance FFC
 use of school facilities GKD
 welfare organizations GRA
 community instructional resources EFC
 community involvement
 in board meetings BED
 budget planning CE
 business and industry BQA, BQB, GKE
 facility planning CT
 guidance program FFC
 health education advisory council BDF, EHAA, FFA
 instructional resources EFC
 parent-teacher organizations GE
 planning and decision-making BQ, BQA, BQB
 policy development BF
 site-based decision making BQ, BQA, BQB
 staff participation in community activities DGA
 volunteers in public schools GKG
 comparability assurances EHBD
 compensation and benefits
 board members BBG
 employees DE, DEA, DEAA, DEAB, DEB, DEC, DECA,
 DECB, DED, DEE, DEG
 compensation for extra duties DEA, DEAA, DEAB, DK
 compensatory instruction EHBC, EIE
 compensatory time/pay, nonexempt employees DEA
 competency testing, student EIF, EK, EKB, EKBA, EKC,
 EKD
 competition, student FG, FM, FMF
 competitive bidding CH, CV, CVA
 competitive sealed proposals CVB
 complaints/grievances
 against peace officers CKE
 by personnel DAA, DGBA, DIA
 by public EFA, GA, GF
 by student/parent FB, FFH, FNA, FNG
 whistleblower complaints DG, DGBA
 comprehensive guidance program FFEA
 compulsory attendance FEA, FED
 computer purchasing CH
 computer use BBI, CQ
 concessions CDG
 concussion oversight team FM
 conditions of employment
 credentials and records DBA
 medical examination DAA, DBB, DEC
 residence requirements DB
 restrictions on employing/assigning relatives of person-
 nel DBE, DC, DK
 restrictions on employing relatives of board members
 DBE
 restrictions on moonlighting DBD, DEC, DECA
 conduct
 on buses FO
 personnel DH
 on school premises, public GKA
 students FNC, FNCA, FNCB, FNCC, FNCD, FNCE,
 FNCF, FNCG, FNCH, FNCI, FO

conferences
 board meeting videoconference calls BE
 board member attendance BBH
 parent EHBB, EIA, FFC, FOA
 confinement (See restraint of students)
 conflict of interest
 board members BBFA, BBFB
 personnel DBD, DGA, DH
 conflict resolution DGBA
 construction plans and specifications CS, CV, CVA, CVB,
 CVC, CVD, CVE, CVF
 consultants
 board, external BDE
 facility planning CT
 outside consulting by staff DBD
 special education EHBA
 consultation agreements DGB
 consumer credit reports DBAA
 contagious diseases (See communicable diseases)
 contests for students FG, FM, FMF
 continuing contracts
 employment practices DC, DCC
 hearings before hearing examiner DFD
 reduction in force DFCA, DFFC
 resignation DFE
 return to probationary status DFAC
 suspension/termination DFCA
 contracted bus service CNA
 contracting for instruction with outside agencies EEL, FFC,
 GN, GNA, GNB, GNC, GND, GNE
 contracts
 administrators DC, DCA, DCB, DCC, DCE
 bidding, construction CH, CV, CVA, CVE, CVF
 career and technical EEL, FFC, GN
 continuing DC, DCC, DFCA, DFFC
 depository BDAE
 dual DCB, DK
 educator
 continuing DCC
 probationary DCA
 term (Chapter 21) DCB
 noncertified professional employees DC, DCE
 not under Chapter 21 DCE
 probationary DC, DCA, DFCA, DFAB, DFAC
 professionals (lawyer, engineer, auditor) BDD, CH
 superintendent BJC
 teacher (See educator, above)
 term contracts DC, DCB, DFB, DFBA, DFBB
 controlled substances DH, DHE, DI, FNCF, FNF, FOC, FOD,
 FOF
 controversial issues EFA, EFC, EMB
 controversial speakers EFC, EMB
 conventions, conferences, and workshops
 board members BBH
 personnel DMA, DMD
 cooperative purchasing agreements CH
 coordinated health program EHAC
 coordination of paid benefits CRE, DEC
 copyrighted material CY
 corporal punishment FO
 correspondence courses EHDE
 counseling and guidance programs EJ, FFE
 county government GRB
 county juvenile board FODA
 county tax officials BDAF
 countywide appraisal district BDAF, CCH
 course credit requirements EHA, EHAA, EHAB, EHAC,
 EHAD, EI, EIF
 course offerings
 electives EHAD
 elementary EHAB
 secondary EHAC
 graduation requirements EIF
 court-related students
 admission FD
 liaison officer FFC
 placement FODA
 CPR (See cardiopulmonary resuscitation)
 credit, award of EI, FEC
 credit by exam
 with prior instruction EHDB
 without prior instruction EHDC
 credit recovery EHDB, FEC
 criminal activity, reports of DH, DI, FL, FOD, GRA
 criminal history record
 contractors CJA
 employees DBAA
 volunteers GKG
 crisis management/intervention CKC, FFB, FFE
 crossing guards GRB
 crowd control GKA
 cultural institutions relations GKF
 curriculum
 design EHA, EHAA, EHAB, EHAC, EHAD
 development EG
 elective instruction EHAD
 enrichment EHAA
 essential knowledge and skills EHAA
 experimental courses EGA
 extended instructional programs EHDD, EHDE
 college course work EHDD
 distance learning EHDE
 honors program EHBN
 summer school EHDA
 travel study EHBM
 foundation EHAA
 guides and course outlines EG
 magnet schools and programs EGA
 pilot projects EGA
 planning EG
 required instructional program
 all levels EHAA
 elementary EHAB
 secondary EHAC
 research EG
 sex education EHAA
 special programs
 adult education EHBI
 at-risk students EHBC
 bilingual education EHBE
 career and technical education EHBFB
 character education EHBK
 community education EHBI
 compensatory education EHBC, EIE
 deaf or hearing-impaired EHBH
 dual language program EHBE
 English as a second language EHBE
 gifted and talented students EHBB
 high school equivalency EHBL
 homebound instruction EEH, EHBA
 life skills EHAA
 prekindergarten EHBG
 remedial instruction/tutorials EHBC
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAE
 Title I EHBD

custodial services CLB, GKD
custodian of records CPC, FL, GBA
cyberbullying CQ, FFI

- D -

dairy products, purchase of COA
damage reporting CLD
data management BBI, CPC, CQ, GBA
dating violence FFH
days of service DC
deaf or hearing-impaired BE, EHBA, EHBA, EHBAB,
EHBAC, EHBH
debt limitation CCA
debt service
 bonds CCA
 certificates CCC
 revenue bonds CCD
 tax rate CCG
 warrants CCB
deductions/reductions, salary CFEA
deferred compensation CFEA, CRG
defibrillators CKD, DMA
delinquent taxes CCG
demonstrations and strikes DGA, FNCI, GKA
depository
 of funds BDAE
 student activity funds CFD
 board member conflict BBFB
deputy voter registrar DP
design and construction of school facilities CS, CT, CVC
destruction of records CPC, FL, GBAA
detention FO
diabetes management treatment plan FFAF
dietary supplements DH, FFAC
diplomas EIF, FMH
directory information FL
disabilities
 ADAAA (See Americans with Disabilities Act Amend-
 ments Act of 2008)
 IDEA (Individuals with Disabilities Education Act) EHB,
 EHBA, EHBA, EHBAB, EHBAC, EHBAD,
 EHBAE
 Section 504 (for students) EHBH, FB
 temporary (of employees) DBB, DEC
disaster drills CKC
disciplinary action, employees
 continuing contract DFCA
 noncontract DCD
 probationary contract DFAA
 suspension with or without pay DCD, DFAA, DFBA,
 DFCA
 term contract DFBA
disciplinary alternative education program (DAEP) FO, FOA,
 FOB, FOC, FOCA, FOD, FODA, FOE, FOF
 shared services arrangement BQ, FOCA
discipline of students
 code of conduct FN, FNC, FO
 corporal punishment FO
 detention FO
 disciplinary alternative education program, placement in
 FOC
 discipline management program FNC, FO, FOC, FOD,
 FOE
 discipline management techniques FO

disruptions and interference with the education process
 FNCI, FOA, GKA
emergency placement FOE
excessive absence or tardiness FEC
expulsion FOD
extracurricular standards of behavior FO
fraternities, gangs, sororities, and other secret organiza-
 tions FNCC
juvenile justice system FODA
juvenile residential facilities EEM
notice to parents FO, FOA, FOD
parent prohibition regarding corporal punishment FO
placement review committee FOA
possession and use of narcotics, dangerous drugs, and
 alcohol FNCF, FOCA, FOD, FOF
records FL, FO
removal by teacher FOA
suspension FOB
unauthorized student assembly on school premises
 FNCI
 unexcused absences FEA, FEC
 videotaping FNG, FO
disclosure, conflict of interest BBFA, DBD
discretionary personal leave DEC
discrimination
 employment DAA, DAB, DAC, DIA
 programs and services CS, DAA, DIA, GA
 student EHBA, FB, FD, FDAA, FFH
dismissal, early (of school day) EC
dismissal, employees
 continuing contract DFCA, DFFC
 noncontract DCD
 probationary contract DFAA, DFFA
 term contract BJCE, DFBA, DFFA
disorderly student conduct FNCH, FNCI, FOA
disposal
 of instructional material CMD
 of real property CDB
 of unnecessary personal property/surplus CI
dispute resolution, homeless students FDC
disruptions
 of board meetings BED
 of classes by outsiders GKA
 of instruction EC
 student FNCI, FOA
distance learning EHDE
distinguished achievement program EIC, EIF
distribution of equipment CM, CMA, CMB, CMD
distribution of printed material CPAB, FMA, FNAA, GKDA
district award for teacher excellence (DATE) DEAA
district-level planning and decision-making process BQ,
 BQA
district teaching permit DBA
dogs, searches by trained DHE, FNF
donations
 by district CE
 to district CDC, GE
 of leave DEC
DOT (U.S. Department of Transportation) DHE
dress and personal grooming
 personnel DH
 student FNCA
 uniforms FNCA
drill squads FMF
driver education EHAD
dropout prevention/reduction BQA, BQB, EHBC, EHBD
dropout recovery program GNC
drug-free schools act DH, DI, FNCF

drug-free workplace act DH, DI
 drug screening/testing
 athletes/students FNF
 bus drivers DHE
 employees DHE
 drug searches by trained dogs DHE, FNF
 drug use DH, DHE, DI, FFAC, FNCF, FOC, FOD, FOF
 dual contracts DCB, DK
 dual language immersion program (DLIP) EHBE
 due process
 regarding complaints alleging violation of constitutional
 rights DGBA, FNG, GF
 under continuing contracts DFCA
 hearings by hearing examiner DFD
 under probationary contracts DFAA
 for students FOA, FOD, FOE, FOF
 under term contracts BJCE, BJCF, DFBA, DFBB
 dues, membership for professional organizations CFEA
 duplicating and printing CPAA, FL, GBA
 duty-free lunch DL
 duty schedule DK
 dyslexia BQ, EHB, EHBC, EKB, EKC, EL

- E -

early graduation EI, EIC, EIF, FMH
 early mental health intervention FFB
 ECPA (See Electronic Communication Privacy Act)
 education agency relations
 regional service center GNB
 state agency GND
 voluntary accreditation agency GNE
 education media and service centers GNB
 educational philosophy AE
 educational program access EHA
 educational specifications, facilities CS
 educational television EFF
 educator certification/credentials DBA, DCB, DFBB, DK,
 DPB
 educator excellence awards (See also campus incentive
 plan) DEAA
 election clerks BBB, FEB, FEC
 election of board members BBB
 elective instruction EHAD
 electronic bids and proposals CH, CV, CVA, CVB
 electronic communication BBI, CQ, FNCE
 security breach of CQ
 Electronic Communication Privacy Act (ECPA) CQ
 electronic communications system CQ
 electronic communications service CQ
 electronic courses, defined EHDE
 electronic devices, possession or use of CQ, FNCE
 electronic media CY, DH
 electronic storage CQ
 electronic textbook CMD, EFAA
 elementary instruction, required EHAB
 emergency
 board meetings BE
 first aid care CKD, FFAC
 placement FOE
 plans and procedures, drills CKC
 repairs CH, CLB, CV
 school closings CKC
 suicide attempts/threats FFB, FFE

emotionally disturbed students (See also students: with
 disabilities) FFB, FFE
 employees
 organizations CFEA, CPAB, DGA, DGB, GKD
 qualifications BJA, DBA, DP
 relations with students DH, DIA, FFH
 employment
 application DC
 annualized salary DEA
 architects and engineers CV, CVA, CVB, CVC, CVD,
 CVE, CVF
 board members, former BBC, DC
 conflict of interest DBD
 criminal history record DBAA
 early separation DEA
 furlough program DEAB
 medical examinations, screenings DBB, DEC
 nepotism restrictions DBE, DC, DCD, DK
 outside consultants BDE
 practices DAC, DC, DCA, DCB, DCC, DCD, DCE
 requirements
 bus driver annual physical DBA, DBB
 residency DB
 restrictions on moonlighting DBD, DEC, DECA
 after retirement DC, DPB
 status
 at-will DC, DCD
 continuing contract DC, DCC
 leave DEC, DECA, DECB
 non-Chapter 21 contract DC, DCE
 noncontract DC, DCD
 probationary DC, DCA
 reasonable assurance CRF, DCD, DCE
 return to probationary status DFAC
 temporary teacher contract DC, DCB, DPB
 term contract (educator) DC, DCB
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
 energy conservation CH, CL
 engineers and architects selection CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 English as a second language EHBE
 English language learners EHBC, EHBE, EIE, EKB, EKBA
 enrichment curriculum EHAA
 enrollment
 age requirements FD, FDA
 by attendance zone FC
 exemptions from health requirements FFAA, FFAB
 expelled transfer students FD, FOD
 health requirements FD, FFAA, FFAB
 immunizations FFAB
 projections CT
 residence requirements FD
 transfers from other districts FDA
 tuition FDA
 environmental authorities GRA
 equal access FNAB, GKD
 equal educational opportunities EHBA, FB
 equal employment opportunities DAA, DAB, DAC
 equalization allotment, state CBA
 equipment and supplies
 borrowing/loaning CMB, DG
 distribution CMB, CMD
 equipment maintenance CLB
 insurance program CRA, CRB
 inventory CFB, CMA
 receiving/warehousing CMA
 repair CLB
 E-rate CQ

ethics
 board members BBBB, BBF, BBFA, BBFB, CAA
 personnel CAA, DBD, DH
 evacuation diagrams CKK
 evaluation
 administrative goals and objectives BI
 board self-evaluation BG
 campus charter and program charter schools EL
 existing facilities CS
 fiscal management CA
 personnel DN, DNA, DNB
 programs BQ
 superintendent BJCD
 evening sessions EC, EHBI, FP
 examinations
 for acceleration EHDC
 credit by examination
 with prior instruction EHDB
 without prior instruction EHDC
 final EIAA
 state-mandated EKB
 exchange students FD
 executive session (See closed board meetings)
 exempt/nonexempt personnel DEA
 exit interviews DC, DCD, DF
 exit-level test EI, EIF, EKB, FMH
 expenditures of funds CE, CFD, CHD
 expense reimbursement
 board members BBG
 personnel DEE
 superintendent BJCA
 experimental courses EGA
 expulsion of students FOD, FODA, FOE
 extended instructional programs EHD
 extended instructional year (See year-round schools)
 extended year program EHBC, EIE
 extended year services EHBA, EHBAB
 extracurricular activities
 eligibility FM, FOA, FOC
 limits on absences FM
 related absences FEB, FM
 safety training of employees DMA
 standards of behavior FNC, FO
 students not enrolled FD
 suspension and reinstatement FM
 transportation to CNB, FMG
 eye-protective devices CKK

- F -

facilities
 climate control CL
 community use of GKD
 conduct on school premises GKA, GKC
 naming CW
 planning and construction CS, CT, CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 portable buildings CS
 faculty advisory council BQA, BQB, DGB
 fair employment CV, DAA, DAB, DAC
 Fair Labor Standards Act (FLSA) DEA
 falsification of records DFBB, FD
 Family Educational Rights and Privacy Act (FERPA) FL
 Family and Medical Leave Act (FMLA) CRD, DEC, DECA,
 DECB

FAPE (See Free Appropriate Public Education)
 federal funds CBB, EHBD
 fees, fines, and dues
 copies of records FL, GBAA
 student FP
 transcript FL
 tuition FDA
 felony offenses BBC, DF, DH, FOC, FOD, GRA
 FERPA (See Family Educational Rights and Privacy Act)
 field trips EFD
 filling employment vacancies DC
 final examinations EIAA
 finality of grades DGBA, FNG
 financial ethics BBFA, BBFB, CAA, DBD
 financial exigency CEA, DFF, DFFA
 financial reports and statements BR, CFA
 firearms CNC, EHAD, FNCG, FOD, GKA
 fire authorities GRA
 fire drills and civil defense CKK, GKD
 fire escapes CKK
 fire insurance CRA
 fireworks GKA
 first aid CKD, FFAC
 First Amendment BED, CPAB, DG, EFA, EMB, EMI, FMA,
 FNA, FNAA, GKDA
 fiscal management CA
 fiscal year CE
 fixed assets CFB
 flag regulations CLE
 FLSA (See Fair Labor Standards Act)
 FMLA (See Family and Medical Leave Act)
 food allergy management plan FFAF
 food service
 breakfast program COB
 free and reduced-price meals program COB
 "junk food," sale restricted CO, FFA
 purchasing COA
 Summer Food Service Program COB
 surplus commodities CO
 vending/food dispensing machines COC, FFA
 foreign exchange students FD
 foreign language EHAB, EHAC
 foster care FD, FFC
 foundation curriculum EHAA
 foundation school program CBA
 four-year-olds EHBG, FD
 fraud CAA, CHE, DBD, DH
 Free Appropriate Public Education (FAPE) EHBA, EHBAA,
 EHBAB, EHBAC, EHBAD, EHBAE
 free and reduced-price meals program (See food service)
 freedom of association DGA
 free speech (See First Amendment)
 fringe benefits DEB, DEC
 fund balance CE
 fund-raising activities DHA, FJ, GKB
 funds
 and accounts CFA
 activity, management of CFD
 depository BDAE
 investment, liquidity/diversification CDA
 furlough, gifted and talented EHBB
 furlough program, employees DEAB

- G -

gangs, gang-related activities FNCC
gate receipts CDG
GED (See general equivalency diploma)
gender-based harassment DAA, DIA, FB, FFH, FNC
general educational development EHBC, EHBL
general equivalency diploma (GED) EHBL, FD, FEA
Genetic Information Nondiscrimination Act (GINA) DAB, DECA
geographic boundaries AC
gifted and talented student programs EHBB
gifts
 bequests to the district BAA, CDC
 board members BAA, BBFA, BBFB, BBG
 employees CAA, DBD, DHA
 instructional materials CDC, CMD, EFAA
 public CDC
 student CFD, FJ
GINA (See Genetic Information Nondiscrimination Act)
goals and objectives
 administration BI
 board BG
 district AE
 facility standards CS, CT
 fiscal management CA
 employment DA, DAC
 programs BQ, BQA, BQB
government, student FMB
grade advancement testing EIE
GPA (See grades: grade point average)
grade placement committee (GPC) EIE
grades
 average required for credit EI
 computation of averages EIA, EIC
 dyslexic students EHB, EIE
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
 finality of DGBA, FNG
 guidelines EIA
 grade point average (GPA) EIC
 penalties EIAB
 recording/reporting to parents EIA
graduation
 assessments EKB
 early EIF, FMH
 exercises FMH
 honor graduates EIC
 prayer FMH, FNA
 ranking of graduates EIC
 requirements EIF
 special education students EIF, FMH
grandparent (resident caretaker) CNA, FD
grants CDC, DEAA
 classroom supply reimbursement DEE
 master teacher DEAA
 public education (PEG) FDAA
grievance procedures (See complaints/grievances)
grooming standards DH, FNCA
grounds management CLB
group health and life insurance CRD
grouping for instruction EEA
guest speakers EFC, GKC
guidance program
 academic EJ
 student assistance/counseling FFE, FFEA

guns CKC, DH, EHAD, FNCG, FOD, GKA

- H -

handbooks
 administrative regulations BP
 student FN, FNC
harassment
 employees DAA, DH, DIA
 students DIA, FB, FFH, FFI, FNC
Hatch Amendment EF
hate literature FNAA, GKDA
Hazard Communication Act DI
hazardous routes CNA
hazing DH, FFI, FNCC
head lice FEC, FFAA
health
 care plans FFAF
 examinations/screenings
 diabetes FFAA
 drug/alcohol DHE, FNF
 dyslexia EHB
 hearing and vision, scoliosis FFAA
 personnel DBB, DHE
 students FFAA
 tuberculosis DBB, FFAA
immunizations FFAB
insurance CRD, FFD
relations with health authorities GRA
requirements for enrollment FFAB
services DBB, FFA, FFAA, FFAC, FFAF
Health Information Portability Accountability Act (HIPAA) CRD
hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
hearing impaired BE, EHBH
hearings
 board BE, DFBB, DGBA, FNG, GF
 budget CE
 challenging content of student records FL
 due process
 employees DFAA, DFBB, DFCA, DFD, DGBA
 students FOD, FOF
 expulsion of students FOD
 financial management report CFA
 independent hearing examiner DFBB, DFD
 nonrenewal BJCF, DFBB
higher education visits FEA
highly qualified DBA, DK, EHBD
High School Equivalency Program EHBL
HIPAA (See Health Information Portability Accountability Act)
hiring
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
 practices DAC, DC
 superintendent BJB
HIV (See AIDS/HIV)
holidays
 personnel DED
 school EB
 religious DEC, FEA, FEB
holdover doctrine BBC, DBE
homebound instruction EEH
homeland security BEC, CKC, GRC

homeless students EHBC, EHBD, EI, FB, FD, FDC, FFAB, FFC
home-rule school district AG
home-school instruction FDA, FEA
homework EIA
honor graduates EIC
honors courses EHBN, EIC, EIF
hospitalization insurance CRD
hours of school day EC
housing authorities relations GRA
HSEP (High School Equivalency Program) EHBL
human sexuality education EFAA, EHAA
hunter safety education EHAD
hurricane warnings CKC

- I -

IDEA (Individuals with Disabilities Education Act) EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
identification card CLA
illness
 personnel DBB, DEC
 student FEC, FFAC, FFAD
immunity (See liability)
immunizations FD, FFAB
incentives DEAA, DEC
inclement weather procedures CKC
income tax, salary deductions for CFEA
increments, salary DEA
independent auditors CFC
independent hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
individualized learning
 correspondence course EHDE
 credit by examination EHDB, EHDC
 distance learning EHDE
 exams for acceleration EHDC
 remedial instruction EHBC
 special education EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
 tutorial program EHBC
individualized education program EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
individualized health care plan FFAF
individualized services plan EHBAC
industrial development authorities GRA
infrastructure partnerships CDH
information
 access to district records BBE, GBAA
 access to employee records BBE, DBA, DN, GBAA
 access to student records FL
 demographic data CQ, GBA, GND
innovative programs EGA
inoculations FFAB
inspections
 facility CS, CV
 purchasing CHD
 safety CKA
instructional arrangements EE, EEA, EEB, EEC, EED, EEH, EEJ, EEL, EEM, EEP
instructional contracts with outside agencies EEL, EHBAC
instructional day EC, EED
instructional facilities allotment CCA
instructional goals and objectives BQ, BQA, BQB, EA

instructional materials
 adoption of EFAA
 advertising materials, use of FMA
 allotment CMD
 board action EFAA
 Braille CMD
 certification CMD, EFAA
 complaints concerning EFA
 conflict of interest BBFB, CMD, DBD
 custodian CMD
 condition of CMD
 control of CMD
 copyrighted material CY
 curriculum guides EG
 destroyed CMD
 distribution of CMD
 disposal CMD
 electronic BBFB, CMD, EFAA
 inventory CFB, CMD
 library, media center EFB
 open-source EFAA
 ownership CMD
 period of use EFAA
 purchase CMD
 rebates/commissions, accepting BBFB, DBD, EFAA
 reports, forms to be completed for inventory CMD
 responsibility for CMD, DG
 requisitioning and responsibility for CMD
 sale, disposal, or donation of CMD
 samples and publisher contracts EFAA
 selection of BBFB, DBD, EFA, EFAA, EHAA
 supplemental CMD, EFAA
 surplus CMD
 teaching plans EEP
 team EFAA
instructional program (See also special programs)
 disciplinary alternative education program FOCA
 distance learning EHDE
 elective instruction EHAD
 evaluation of BQ, BQA, BQB, EHBD, GND
 extended instructional program EHDD, EHDE
 college course work EHDD
 honors courses EIC, EIF
 summer school EHDA
 travel study EHBM
 innovative and magnet programs EGA
 organization of instruction ED
 required instructional program
 all levels EHAA
 elementary EHAB
 secondary EHAC
instructional resources
 community EFC, GKE, GKF
 field trips EFD, FMG
 interactive television EFF
 libraries/media centers EFB
instructional support services
 guidance program EJ, FFE
 health services FFA
 library, audio-visual center EFB
 school-community guidance program FFC
 special education programs EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
instructional television EFF
insurance
 adjustor and carrier CR
 change of coverage CR

Consolidated Omnibus Budget Reconciliation Act (COBRA) CRD
 deductions/reductions from salary CFEA
 enrollment information CRD
 fire CRA
 Health Insurance Portability and Accountability Act (HIPAA) CRD
 health, life, disability CRD
 liability CRB
 school property CRA
 student FFD
 tax-sheltered annuities CFEA, CRG
 TRS-Active Care CRD
 unemployment CRF
 workers' compensation CRE, CV
 intellectual property rights CY
 intensive math and science program EHBC
 interdistrict relations EHBA, FDA
 interlocal agreements CH, GR, GRB
 interlocal cooperation contracts GR, GRB
 internal auditor CFC
 international baccalaureate program EIC, EIF
 Internet
 broadcast board meetings BE
 posting BBFA, BE, CHE, CQA, DBD, DC
 use of, by board members BBI
 use of, by employees/students CQ, FNCE
 intern program GNC
 interrogations and searches DHE, FNF, GRA
 interruption of classes EC, GKA
 interscholastic activities/athletics FM, FMF
 Interstate Compact on Educational Opportunity for Military Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL, FM
 intoxicants BBC, BJCF, DFBA, DFBB, DFCA, DH, DI, FNCF, FNF, FOC, FOD, FOF, GKA
 intramural sports FMF
 inventories CFB
 investments, bond sales CDA
 investments of school funds CDA
 intrastate pipeline emergency response plan CS

- J -

job order contracts CVF
 JROTC program CG, EHAD, EIF
 junior colleges, high school credit program EHDD
 jurisdiction
 district, over students FO, FNC
 peace officers CKE
 jury duty DEC
 juvenile justice system FODA
 juvenile case manager, compulsory attendance FED
 juvenile residential facilities EEM
 juvenile service providers GRAC

- K -

key control CLA
 kindergarten
 acceleration EHDC

eligibility FD
 instructional requirements EHAB
 progress reports EIA
 retention EIE
 school day EC
 knives FNCG, FOD, GKA

- L -

labor organizations DGA, DGB
 land, sale of BAA, CDB, CDBA
 language other than English EHAB, EHAC
 law enforcement
 agencies GRA
 district peace officers CKE
 officers on district property GKA
 reports from FL, GRA
 reports to/refer to DH, FFG, FNF, GRA
 lawful assembly, disruption of GKA
 lay-offs (RIF) DFCA, DFF
 learning disabilities EHB, EHBA, EHBAA, EHBAB, EHBAC, EIE
 lease of real property by the district CX
 leasing and renting
 authority BAA, GKD
 buildings and grounds CDB, GKD
 buses CNA, CNB
 equipment and supplies CMB
 payments CDD, CX
 leaves and absences, employees
 assault (recuperative leave) DEC
 concurrent use of DEC
 continuation of health benefits CRD
 discretionary use of DEC
 extended DEC
 family and medical leave CRD, DEC, DECA, DECB
 funeral (bereavement) leave DEC
 infant care/child adoption DEC, DECA
 intermittent leave DEC, DECA
 mandatory court appearances/jury duty DEC
 maternity leave DEC, DECA
 military leave/reserve duty DEC, DECB
 nondiscretionary use of DEC
 on-the-job injury CRE, DEC
 paid/unpaid leave DEC
 payment for unused leave DEC
 personal illness DEC, DECA
 personal leave DEC
 professional development leave DEC
 professional meetings and visitations DMD
 qualifying exigency DECA
 sabbatical study/leave DEC
 state personal leave DEC
 state sick leave DEC
 temporary disability DEC
 leaving campus, students
 employment FEF
 illness FEC, FFAC
 lunch FEE
 medical appointment FEB
 parental permission FEB
 private lessons FEF
 legal services BDD
 LEP (See Limited English Proficiency)
 lesson plans EEP

liability
 board members BBE, CRB
 for damage to school property FNCB
 insurance CRB
 school personnel CRB, DG, DH, FFAC, FFG, FOE
 volunteers GKG

liaison
 court-related FFC
 homeless FFC

libel FNA, GKDA

library-media center
 materials, complaints EFA
 professional resources EFB
 records and reports EFB
 selection of materials EFA

lice FEC, FFAA

life insurance CRD

life skills programs EHAD

Limited English Proficiency (LEP) EHBC, EHBE, EIE, EKB, EKBA

limited open forum FNAB

line and staff relations BKB

line item transfers CE

litigation expenses CRB

lobbying (restrictions) CH, BBFB

Local Government Records Act CPC, GBA, GBAA

local government relations GRA

local tax revenues CCG

locker searches DHE, FNF

loitering GKA

loss control CK, CKA, CKB, CKC

loyalty oath BBB

LPAC (Language Proficiency Assessment Committee)
 EHBE, EIE, EKBA

lunchroom maintenance CLB

- M -

McKinney-Vento Homeless Education Assistance Improvements Act of 2001 CNA, EHBD, FD, FDC, FFC

mail service CPAB

maintenance
 bus maintenance CNBA
 changes and alterations CLB

makeup work for students EIAB

manifestation determination (IDEA) EHBAD

married students FND

master teacher grants DEAA

maternity leave DEC, DECA, FNE

meal service CO, COB

media and service centers (regional) GNB

mediation (See complaints/grievances)

Medicaid FLA

medical examinations DBB, FFAA

medical insurance CRD, FFD

medical treatment FFAC

Medicare CFEA

medication FFAC

meeting notice
 board of trustees BE
 budget CE
 closed (board) BEC
 tax rate hearing CCG

meetings
 board (See school board meetings)

budget CE
 campus-level committee BQB
 closed (board) BEC
 community use of school facilities GKD
 district-level committee BQA
 emergency/regular/special (board) BE
 faculty/staff DLA
 juvenile justice board FODA
 media coverage BE, BEE, GBBA
 public complaints GF
 special education (ARD/IEP) EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAAE

memorials CDC, CW

mental health intervention FFB

mentoring EHBC, GKG

metal detectors FNF, GKA

microfilm CPC, GBAA

migrant student EHBD, EI

migratory child EEB, FD

mileage reimbursement BBG, BJCA, DEE

military
 dependents FD, FDD
 discharge records GBA
 instruction (JROTC) CG, EEL, EHAD, EIF
 leave CRD, DAA, DEC, DECA, DECB
 recruiters FL, GKC

minerals, sale of BAA, CDB

minimal nutritional value CO, FFA

Minimum Foundation Program (See Foundation School Program)

minimum high school program EIF

minimum salary schedule DEAB

minimum teaching duties DL

minute of silence EC

minutes of board meetings BDAA, BE, BEC

mission statement, district AE

mobile telephones FNCE

modified duty DK

mold damage remediation CL, CRB

moment of silence EC

moonlighting DBD, DEC, DECA

moral turpitude BJCF, DFBB, DH

moving costs reimbursement DEB

multihazard emergency operations plan CKC

municipal government GRA

music program EHAD

- N -

name, changing district AB

National Honor Society FG

National School Boards Association BC

National School Lunch Program COB

NCLBA (See No Child Left Behind)

neighborhood associations GKE

neighborhood schools FC

nepotism BBFB, CCH, DBE

new facilities, naming/dedication CW

new hire reporting DC

news conferences and interviews GBBA

news coverage
 board meetings BE, BEE, GBBA
 broadcasting and taping board meetings BE, BEC
 news media relations/news releases GBBA
 sports and special events GBBA

newspaper, school distribution of FMA
 night school EHBI, FP
 No Child Left Behind (NCLBA)
 adequate yearly progress (AYP) AID, EHBD
 highly qualified DBA, DK, EHBD
 migratory child EEB
 parent involvement BQ
 recruiters FL, GKC
 school restructuring AIC, EHBD
 student/parent rights EF
 technology CQ
 noncertified personnel DBA, DC, DCD, DCE
 noncontract employment DC, DCD
 nondiscretionary personal leave DEC
 nondiscrimination CS, DAA, DAB, DAC, DIA, FB, FFH, GA
 noninstructional school activities FNAB
 nonprinted materials and services EFB
 nonprofit organizations FJ, GE, GKD
 nonpublic information GBA
 nonrenewal, term contract BJCF, DFBB, DFFB, DFD
 nonresident students FD, FDA
 nonservice animals EMG
 nonschool employment DBD
 nonschool literature FNAA, GKDA
 No Pass, No Play FM
 note and bond payments CCA, CCF
 notice of position openings DC
 notice to newspaper GC
 notice to parents re uncertified substitutes DK, DPB, EHBD
 notice to SBEC BJCE, DF, DFAA, DFBA, DH

- O -

oath of office BBB
 objective criteria for personnel decisions DAC
 obscenity DH, FMA, FNCA
 observation days EHBK
 office management
 communications CPA
 computer technology BBI, CQ, CY
 mail delivery CPAB
 printing CCAA
 records and reports CPC
 telephone CPAC
 officer
 attendance FED
 board of trustees BDAA
 budget BJA, CE
 peace officer CKE
 death while on duty DEB
 public information (records) CPC, GBA
 public information coordinator GBAA
 records management CPC
 offsetting paid leave benefits CRE, DEC
 open campus FEE
 open enrollment FDB
 open-enrollment charter school AH
 open meetings BDB, BE, BED
 open records (See Public Information Chapter of Govern-
 ment Code)
 operations, maintenance CLB
 organization
 administrative BJA
 board of trustees BDAA
 line and staff relations BKB

organization charts BKA
 organization of grade levels ED
 organizations
 booster clubs GE
 parent organizations GE
 personnel DGA, DGB
 relations with community GKE, GKF
 relations with educational entities GNA, GNB, GNC,
 GND
 relations with governmental entities GR, GRA, GRAA,
 GRAC
 student FM, FNAB, FNCC
 orientation/training
 board members BBD
 employees DMA
 substitutes DPB
 other schools and/or districts, relations with FD, FDA, GNA
 outside agencies, instructional contracts with EEL
 outside employment DBD, DEC, DECA
 overtime DEA, DEAB

- P -

paging devices FNCE
 paperwork reduction BAA, DLB, GND
 paraprofessional personnel
 certification, highly qualified DBA, EHBD
 dismissal DCD
 hiring DC, DCD
 reasonable assurance of re-employment CRF
 parent advisory committee BDF, BQA, BQB, EHAA, GE
 parent involvement
 campus-level planning committee BQB
 conferences EIA
 discipline management FNC, FO, FOC, FOCA, FOD,
 FODA, FOE
 district-level planning committee BQA
 No Child Left Behind EHBD
 school-parent compact EHBD
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAAE
 wellness EHAA, FFA
 parent notification DBA, DK, DPB, EHBD
 parental rights (See also students: rights and responsibili-
 ties)
 access to board meetings BE, FNG
 access to instructional materials EF, EHAA, FNG
 access to student records FL
 consent to counseling of student FFE
 exempt student from instruction EHA, EHAA, FNG
 student placement FDB, FNG
 parenting and paternity awareness program EHAC
 parking controls CLC, FFFD
 parochial schools FD
 partnership, school/community GKE
 part-time employees CRD, DC, DCD, DEC, DPB
 pass/fail courses EHAD
 patents CY
 patriotic societies GKD
 payment procedures CHF
 payroll procedures
 salary deductions/reductions CFEA
 schedule CFE
 peace officers CKE, DEB
 pediculosis FEC, FFAA

PEG (See public education grants)
 PEIMS (See Public Education Information Management System)
 performance bonds CV
 performance report AIB, BR, CQA, GND
 performances, student FME
 permits
 lunch FEE
 student work FEF
 teaching, issued by school district DBA
 visitors GKC
 persistently dangerous FDE
 personal graduation plan EIF
 personal leave DEC
 personal property
 disposal CI
 purchases CH
 personnel
 complaints DGBA
 conduct DH, DHE, DIA
 gifts and solicitations DBD, DHA
 involvement in decision making BQ, BQA, BQB
 objective criteria DAC
 records
 confidential, access to BBE, DBA, FL, GBAA
 credentials DBA
 custodian of DBA, FL, GBA, GBAA
 requests for copies GBAA
 welfare DI
 personnel-student relations DH, DIA, FFH
 pest control program CLB, DI, FD, GB
 petition for student transfer (See also No Child Left Behind)
 FDA, FDAA, FDB, FDE
 petitions DG, FNA, GKDA
 petty cash accounts CHB
 phones, cellular CPAC, FNCE
 physical education
 exemptions EHAC, EIF
 requirements EHAB, EHAC, EHAD, EIF
 student-to-teacher ratios EEB
 substitute courses EIF, EHAC
 physical examination DBB, FFAA
 physical fitness assessment FFAA
 physical restraint, student FO, FOF
 pilot projects EGA
 placement
 in alternative setting FOC
 of home-school students FD
 of transferred expelled students FDA
 of transfer students FDA
 placement review committee FOA, FOD
 plagiarism EIA
 planning and preparation time DL
 planning process BQ, BQA, BQB
 playgrounds CS
 pledge of allegiance EC
 police on school premises CKE, GKA, GRA
 policy system
 attorney involvement BDD
 community involvement BF
 development, adoption, amendment, distribution, review BF
 implementation through regulation BP, FN
 staff involvement BQA, BQB
 student involvement FNB
 political activities BBB, BBBB, DGA, GKD
 political advertising BBBB, CCA, CPAB, GKB
 political organizations GR
 politics, participation in DGA, DH
 pool drains CL
 portable buildings CS
 possession/use, alcohol and drugs DH, DHE, DI, FNCF, FOA, FOCA, FOD, FOE, FOF, GKA
 postings, required web site CQA
 postsecondary instructional program FP
 power of attorney FD
 practice teaching GNC
 prayer DMA, EC, EMI, FMH, FN, FNA, FNAB
 pregnant employees DEC
 pregnant students EHBC, FB, FNE
 prekindergarten EC, EHBC, EHBC
 preparation, teachers DMA
 press services
 board meetings BEE, GBBA
 sports and special events GBBA
 prevailing wage law CV
 prevention, dropout EHBC
 principal's performance incentive BQB
 principal's qualifications DP
 printed materials and services
 charges for copies FL, GBAA
 copyrighted materials CY
 printing and duplicating CPAA
 prior review FNA, GKDA
 private lessons FEF
 private schools, relations with FD, FEA
 private tutoring DBD
 private vehicles, use of CNA, EFD, FFFD, FMG
 probationary contracts
 employment practices DC, DCA
 resignation DFE
 suspension DFAA
 termination at end of year DFAB
 termination during contract DFAA
 probationary status, return to DFAC
 professional conduct/ethics DH
 professional growth/development
 board member BBD
 personnel DM, DMA, DMC, DMD
 superintendent BJA, BJCB
 professional leaves and absences DEC
 professional meetings DLA, DMD
 professional organizations
 dues CFEA
 participation in DGA, DGB
 professional personnel
 academic freedom EMA
 accountability (See appraisal)
 appointment DC, DCA, DCB, DCC, DCD, DCE
 assignment DK
 compensation DEA, DEAA, DEAB
 conferences and visitations DMD
 consulting BJCC
 continuing contracts DCC, DFCA, DFFC
 contract nonrenewal BJCF, DFBB
 contracts BJC, DCA, DCB, DCC, DCE
 dismissal BJCE, DCD, DCE, DF, DFAA, DFBA, DFCA, DFFA, DFFC
 employment practices DC, DCA, DCB, DCC, DCD, DCE
 ethics DBD, DH
 evaluation/appraisal BJCD, DN, DNA, DNB
 expense reimbursement BJCA, DEE
 filling vacancies DC
 financial ethics CAA, DBD
 growth and development DM, DMA, DMC, DMD

hearings before hearing examiner BJCE, DFBB, DFD,
 DFFA, DFFB, DFFC
 hiring BJB, DC, DCA, DCB, DCC, DCD, DCE
 leaves and absences DEC, DECA, DECB, DED
 medical examinations DAA, DBA, DBB
 noncertified personnel DCD, DCE
 non-Chapter 21 contract DCE
 nonrenewal BJCF, DFBB, DFFB
 nonschool employment DBD
 orientation DC, DMA, DPB
 part-time DPB
 principals, qualifications and duties DP
 probationary contract DC, DCA, DFAA, DFAB, DFAC
 probationary status, return to DFAC
 professional organizations DGA, DGB
 publishing DME
 qualifications/credentials DBA, DPB, EHBD
 reassignment DK
 recruitment DC
 reduction in force DFF
 continuing contracts DFFC
 financial exigency DFFA, DFFC
 program change DFFB
 resignation BJCG, DCD, DFE
 retirement BJCG, DEG
 rights and privileges DG, DGA, DGB, DGBA
 sabbaticals DEC
 searches DHE
 staff development DMA, DMC, DMD
 staff meetings DLA
 standards of conduct DH
 superintendent BJA
 supplemental duty DEAA, DK
 suspension DFAA, DFBA, DFCA
 term contract DC, DCB, DFBA, DFBB
 termination DF, DFA, DFAA, DFAB, DFAC, DFB, DFBA,
 DFBB, DFC, DFCA, DFD, DFE, DFF, DFFA,
 DFFB, DFFC
 transfer DK
 vacation DED
 welfare DI
 work load/schedules DEA, DK, DL
 professional services/outside sources CH, CV
 professional visitors and observers GKC
 program change DFFB
 programs, special EHB, EHBA, EHBA, EHBAB, EHBAC,
 EHBAD, EHBAE, EHBB, EHBC, EHBD, EHBE, EHBG,
 EHBG, EHBH, EHB, EHBK, EHBL, EHB, EHB
 prohibited weapons FNCG
 projections
 enrollment CT
 facilities cost CV
 facilities design CT
 promotion and retention, students EIE
 property
 acquisition of sites CHG, CV
 board authority BAA
 care of school CLA, CLB, FNCB
 equipment CMA, CMB, CMD
 insurance CRA
 personal, sale of CI
 real, sale of CDB
 revenue bonds from proceeds CDBA
 sales CDB
 surplus, disposal of CI
 title policy-land purchases CHG
 protected health information (PHI) CRD, FL
 psychological services/testing EHBA, FFB, FFE, FFG
 psychotropics FFAC, FFG
 public access to defibrillators CKC
 public access to school records BE, DBA, FL, GBAA
 publications
 distribution CPAB, FMA, FNA, GKDA
 news releases GBBA
 prior review/nonschool-sponsored FNA, GKDA
 publishing and research DME
 school bulletins and newsletters GBB
 public complaints GF
 public education grant (PEG) program FDDA
 Public Education Information Management System (PEIMS)
 CQ
 public facilities corporations CDH
 Public Funds Investment Act CDA
 public gifts CDC, GE
 public hearings BE, BQA, BQB, CCG, CE, FFC
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 employees DHE
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 campus security CKE, CLA
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 narcotics, dangerous drugs, or alcohol DH, DHE, DI, FNCF, GKA
 peace officers CG, CKE, DEB
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 ARD committee EHBAB
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 dropout EHBC
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 Readiness)
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 State Board for Educator Certification (SBEC) CJA, DBA,
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 steroids EHAA, FFAC, FNCF, FNF
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 tional Records Access Act CQ
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 corporal punishment FO
 cyberbullying CQ, FFI
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 discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA,
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 Student Success Initiative (SSI) EIE
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 substitute teaching DPB
 substitutes, parent notification DBA, DK, DPB
 suicide prevention BQ, FFB, FFE
 summer lunch program COB
 summer school program EHBA, EHBE, EHDA
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 compensation DEA, DEAB
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 resignation DCD, DFE
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 rights and privileges DG, DGA, DGB, DGBA
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 Teacher Retirement System (TRS) CFEA, CRD, CRG, DC,
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 teaching permit, district-issued DBA
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 TEKS (Texas Essential Knowledge and Skills) EHAA, EIE
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 administrator appraisal BJCD, DNB
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 expense reimbursement BBG, BJCA, DEE
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 UIL FMF, FMG
 truancy FEA, FED
 truancy prevention measures FED
 tuberculosis screening DBB, FFAA, GKG
 tuition
 attendance reporting FDA, FDAA
 exemption for employees' children FDA
 exemption for foreign students FD
 nonresident students FDA
 prekindergarten students EHBG
 summer school FDA
 waiver FDA, FP
 tutorial program EHBC
 tutoring for pay DBD
 TxVSN (See Texas Virtual School Network)

- U -

UDCA (Unlicensed Diabetes Care Assistant) FFAF
 UIL (University Interscholastic League) FFAA, FM, FMF
 unauthorized person on school property CLA, GKA, GKC
 uncertified teachers DBA, DK, DPB
 underage students FD
 underground newspapers FNAA
 unemployment insurance CRF
 unexpired term, board members BBC
 uniforms FNCA
 unions, staff membership in DGA, DGB
 universities GNC
 unsafe schools FDE

- V -

vacancies
 board member BBC
 school personnel DC
 vacations
 personnel DED
 school vacations EB
 vaccinations FFAB
 valedictorian/salutatorian awards EIC, FG
 vandalism
 emergency measures CLA
 prohibited FNCB
 reporting incidents CLA
 vehicle identification insignia CLC, CNB
 vehicle parking control CLC, FFFD
 vehicles owned by district CNB
 vending machines CFD, COC, FFA
 vendor relations CHE, GKC
 veterans CCG, DAA, DEC
 videoconference call (board meetings) BE
 videotaping/monitoring
 board meetings BE, GBBA

conduct on school buses, in buildings FO
students, with parental consent FNG
students, without parental consent EHA, FM, FO
Virginia Graeme Baker Pool and Spa Safety Act CL
virtual school network (See Texas Virtual School Network)
vision statement, district AE
visitations DMD
visitors
 campus security CLA
 law enforcement and other agencies GRA
 permits GKC
 professional GKC, GNC
 students leaving with FFFA
visual materials, depiction of minors FFF
vocational education contracts EEL
vocational program EEL, EHAC, EIF
volunteers
 criminal history record check DC, GKG
 immunity from liability GKG
 school volunteer program GKG
 student volunteers FH
 TB screening GKG
voting
 at board meetings BE
 election of board officers BDAA

- X - Y - Z -

yearbooks FMA
year-round schools EB
zoning authorities relations GRA

- W -

wages CV, DEA, DEAB
waivers
 fees FP
 insurance FFD
 planning BQA, BQB
 policy BF
walkers and riders, bus CNA
warehousing CMA
warning systems CKC
warrants, money CCB
warrants for student arrest GRA
weapons DH, EHAD, FNCG, FOD, FOF, GKA
web site postings CQA
weighted grades EIC
welfare authorities relations GRA
welfare, employee DI
welfare, student FFA, FFB, FFC, FFD, FFE, FFF, FFG
wellness BDF, EHAA, FFA
whistleblower complaints DG, DGBA
withdrawal, student FD, FEA
witnesses in expulsion hearings FOD
work calendars DEA, DK
workers' compensation
 coordination with paid leave benefits CRE, DEC
 indefinite absence CRE
 required for construction contractor CV
work load DL
work schedules DK
workshops, board members BBH
work strikes/stoppages DGA
work-study employment EHAD
written expression, student FMA, FNA, FNAA

Note: For provisions regarding selection and adoption of instructional materials, see EFAA.

INSTRUCTIONAL
MATERIALS

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), the District may not charge a student for instructional material or technological equipment purchased by the District with the District's instructional materials allotment (IMA). All instructional materials, including electronic or online instructional material to the extent of any applicable licensing agreement, purchased in accordance with Education Code Chapter 31 for the District are the property of the District. *Education Code 31.001, .102(a)–(b); 19 TAC 66.1315(a), (c)*

DELEGATION OF
POWER

The Board may delegate to an employee the power to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31. *Education Code 31.104(a)*

FUNDING

The District is entitled to an annual allotment from the state instructional materials fund for each student enrolled in the District on a date during the preceding school year specified by the Commissioner. The Commissioner shall determine the amount of the allotment per student each year on the basis of the amount of money available in the state instructional materials fund to fund the allotment. The allotment shall be transferred from the state instructional materials fund to the credit of the District's instructional materials account as provided by Education Code 31.0212. The allotment allocated to the District is considered revenue and must be coded by the District in a manner required by TEA. *Education Code 31.0211(a); 19 TAC 66.1315(d)*

NO APPEAL

The amount of the IMA determined by the Commissioner is final and may not be appealed. *19 TAC 66.1307*

ALLOTMENT
ADJUSTMENT
CHANGE IN
ENROLLMENT

Not later than May 31 of each school year, the District may request that the Commissioner adjust the number of students for which the District is entitled to receive an allotment on the grounds that the number of students attending school in the District will increase or decrease during the school year for which the allotment is provided. The Commissioner may also adjust the number of students for which the District is entitled to receive an allotment, without a request by the District, if the Commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the District. The Commissioner's determination is final. *Education Code 31.0211(e)*

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HIGH
ENROLLMENT
GROWTH

Each year the Commissioner shall adjust the IMA of districts experiencing high enrollment growth. *Education Code 31.0214*

The Commissioner's calculation for high-enrollment growth will be adjusted automatically for the biennium based on current Public Education Information Management System (PEIMS) enrollment data before the Educational Materials (EMAT) system opens in the spring.

A district that experiences a minimum enrollment growth of ten percent over the previous five-year period for which the IMA amount is being determined is eligible to receive an adjustment to accommodate high-enrollment growth.

A district that is experiencing a student population growth that is not reflected in the state calculation may submit an application to be considered for additional funding if the district experienced:

1. A net increase of 3,500 students over the last five years; or
2. An unexpected enrollment growth due to unforeseen circumstances.

The District may request additional funding for its IMA for high enrollment once during each school year.

19 TAC 66.1309

PERMITTED
EXPENDITURES

Funds allotted under this section may be used to purchase:

1. Instructional materials on the list adopted by the Commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials, including workbooks;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Supplemental instructional materials, as provided by Education Code 31.035;
7. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
8. Instructional materials and technological equipment under any continuing contracts of the District in effect on September 1, 2011; and

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9. Technological equipment necessary to support the use of materials included on the list adopted by the Commissioner or any instructional materials purchased with an allotment.

The funds can also be used to pay for training educational personnel directly involved in student learning in the appropriate use of instructional materials, providing access to technological equipment for instructional use, and the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

The funds may not be used to purchase services for installation, the physical conduit that transmits data such as cabling and wiring or electricity, or office and school supplies; or to pay for travel expenses.

Education Code 31.0211(c); 19 TAC 66.1307

ORDER OF
PURCHASE

Each year the District shall use the District's allotment to purchase, in the following order:

1. Instructional materials necessary to permit the District to certify that the District has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level.
2. Any other instructional materials or technological equipment as determined by the District.

Notwithstanding the order of purchase requirement, for the state fiscal biennium beginning September 1, 2011, the District shall use an IMA to purchase instructional materials that will assist the District in satisfying performance standards under Education Code 39.0241, as added by Chapter 895 (House Bill 3), Acts of the 81st Legislature, Regular Session, 2009, on assessment instruments adopted under Education Code 39.023(a) and (c) [grade advancement testing and end-of-course exams, see EKB]. This exception to the order of purchase requirement expires August 31, 2013.

Education Code 31.0211(d)-(d-2)

CERTIFICATION OF
ALLOTMENT USE

The District shall annually certify to the Commissioner that the District's IMA has been used only for permitted expenses. *Education Code 31.0213*

INSTRUCTIONAL
MATERIALS ACCOUNT

The Commissioner shall maintain an instructional materials account for the District, in which the Commissioner shall annually deposit the District's IMA. The Commissioner shall pay the cost of

instructional materials requisitioned by the District under Education Code 31.103 using funds from the District's instructional materials account.

The District may also use funds in the District's account to purchase electronic instructional materials or technological equipment. The District shall submit to the Commissioner a request for funds for this purpose from the District's account in accordance with the Commissioner's rules.

Money deposited in the District's instructional materials account during each state fiscal biennium remains in the account and available for use by the District for the entire biennium. At the end of each biennium, if there is unused money in the District's account, the District may carry forward any remaining balance to the next biennium.

Education Code 31.0212

ONLINE REQUISITION
SYSTEM (EMAT)

The Commissioner shall maintain an online requisition system (EMAT) for the District to requisition instructional materials to be purchased with the District's IMA. *Education Code 31.101(f)*

LOCAL FUNDS

The District may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

REQUISITIONS, USE,
AND DISTRIBUTION

The District shall make a requisition for instructional material using the online requisition program (EMAT) maintained by the Commissioner not later than June 1 of each year. The District may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)-(c)*

DURATION OF
SELECTION

Once instructional materials have been selected, the District must use the material for the length of time described by Education Code 31.101. *Education Code 31.101* [See EFAA]

VALUE

Current instructional materials in the District's inventory are considered assets and a value must be determined by the District. *19 TAC 66.1315(e)*

DISTRIBUTION

The Board shall distribute or provide access to instructional materials to students as it may deem most effective and economical. *Education Code 31.102(c); 19 TAC 66.1315(f)*

SUPPLEMENTAL
INSTRUCTIONAL
MATERIALS

The District may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list under Education Code 31.023 only if the District requisitions the supplemental instructional material along with other supplemental in-

structional materials or instructional materials on the SBOE instructional materials list that in combination cover each element of the essential knowledge and skills for the course for which the District is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

AVAILABILITY OF
OPEN-SOURCE
INSTRUCTIONAL
MATERIALS

If the District selects open-source instructional material, the District shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the District or school provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

BRAILLE AND LARGE-
TYPE MATERIALS

All laws and rules applying to instructional materials provided to students with no visual impairments that do not conflict with Education Code 31.028 apply to the distribution and control of Braille and large-type instructional materials, including but not limited to the following:

1. A requisition for special instructional materials shall be based on actual student enrollment to meet individual student needs.
2. The District shall conduct an annual physical inventory of all currently adopted accessible instructional materials that have been requisitioned by and delivered to the District. The results of the inventory shall be recorded in the District's files and made available to TEA upon request.

Reimbursement and/or replacement shall be made for all volumes of Braille and large-type instructional materials determined to be lost.

FOR TEACHERS

Copies of adopted instructional materials in Braille and large type needed by a teacher who is blind or visually impaired shall be furnished by the state without cost. The materials are to be loaned to the District as long as needed and are to be returned to the state when they are no longer needed. Materials in the medium needed by the teacher may be requisitioned by an instructional materials coordinator after the Superintendent has certified the following to the Commissioner:

1. The name of the teacher;
2. The grade or subject taught; and

3. The fact of the teacher's visual impairment.

FOR STUDENTS

Non-adopted instructional materials purchased by the District shall be made available and provided in the specified format needed to students who are blind and visually impaired at the District's expense.

FOR PARENTS

Copies of adopted instructional materials in Braille, large type, or an electronic file that are requested by a parent who is blind or visually impaired shall be furnished without cost by the state. Materials in the medium needed by the parent may be requisitioned by an instructional materials coordinator. Requests for electronic files will be filled by TEA after the parent signs and TEA receives a statement, through the District, promising that the parent will safeguard the security of the files and observe all current copyright laws. All Braille and large-type instructional materials and electronic files with educational content that have been provided to parents who are blind or visually impaired must be returned to the District at the end of the school year for reuse.

19 TAC 66.1311, .1319(e)

BILINGUAL
INSTRUCTIONAL
MATERIALS

The District shall purchase with the District's IMA or otherwise acquire instructional materials for use in bilingual education classes, in accordance with the Commissioner's rules. *Education Code 31.029*

CERTIFICATION OF
INSTRUCTIONAL
MATERIALS

Prior to the beginning of each school year, the District shall certify to the Commissioner in a format approved by the Commissioner that, for each subject in the foundation and enrichment curriculum other than physical education, and each grade level, the District provides each student instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, the District may consider both state- and Commissioner-adopted instructional materials and non-adopted instructional materials, including:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the Commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open-source instructional materials submitted by eligible institutions and adopted by the SBOE;

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4. Open-source instructional materials made available by other public schools; and
5. Instructional materials developed or purchased by the District.

Upon request by the Commissioner, the certification shall include supporting documentation describing the instructional materials on which the certification is based.

The certifications shall be ratified by the Board in a public meeting.

The District may not submit a requisition or request for disbursement through the EMAT system for the next school year until the required annual certification has been received by the Commissioner for the current school year.

Education Code 31.004; 19 TAC 66.1305

OWNERSHIP

A student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school, unless the instructional material is open-source instructional material that the District does not intend to use for another student. The printed copy of the open-source instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open-source instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

RESPONSIBILITY FOR
INSTRUCTIONAL
MATERIALS AND
EQUIPMENT

Each student or his or her parent or guardian shall be responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment shall forfeit the right to free instructional materials and technological equipment until the instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

The Board may not require an employee of the District to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG(LEGAL)]

Under circumstances determined by the Board, the District may waive or reduce the payment required if the student is from a low-income family. The District shall allow students to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition and payment is not made, the District may withhold the student's records, but shall not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. However, in accordance with policies FL and GBA, students have a right to copies of any and all District records that pertain to them.

These provisions do not apply to an electronic copy of open-source instructional material.

Education Code 31.104(d), (e), (h); 20 U.S.C. 1232g; Gov't Code 552.114(b)(2); 19 TAC 66.107(c), .1319(d) [See also EF]

ACCEPTABLE
CONDITION

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by other students; and
2. All components of the instructional materials are not soiled, torn, or damaged—whether intentionally or by lack of appropriate care—such that any portion of the content is too disfigured or obscured to be fully accessible to other students.

19 TAC 66.1201

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic instructional materials do not contain computer code (bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
3. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the District.

19 TAC 66.1203

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the District authorized changes; and

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2. The physical condition of the equipment has been cared for appropriately such that the equipment is not broken or damaged beyond cost-effective replacement or repair.

19 TAC 66.1205

LOST, DAMAGED,
OR WORN OUT
INSTRUCTIONAL
MATERIALS

The District is fiscally responsible for lost, damaged, or worn out instructional materials.

The District may use the IMA or other available funds to replace lost, damaged, or worn out instructional materials.

Worn out or damaged instructional materials must be declared by the District as unsuitable for student use and the District must document the method of disposal.

A district declaring worn out instructional materials must follow the Commissioner-approved standards for worn out instructional materials.

Recycling funds received from the disposal of worn out instructional materials must be:

1. Reported to TEA through procedures established by the Commissioner; and
2. Used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

The District must adjust its inventory for lost, damaged, or worn out instructional materials and replacements through the EMAT system and document all transactions in the District annual inventory.

19 TAC 66.1321

SALE OR DISPOSAL

The Board must notify TEA of its intent to sell or dispose of instructional materials or technological equipment by a process established by the Commissioner.

SALE AFTER
DISCONTINUED
FOR USE

The Board may sell any printed or electronic instructional materials purchased with the District's IMA on the date the instructional material is discontinued for use in the public schools. The Board may only sell or dispose of online or electronic instructional materials in compliance with the terms of any applicable licensing agreement.

TECHNOLOGICAL
EQUIPMENT

The Board may sell technological equipment owned by the District that was purchased with the District's IMA.

REPORT TO
COMMISSIONER

The Board must report to the Commissioner the amount of funds to be received from the sale of the instructional materials and technological equipment, identify the purchaser, and identify the instructional materials and/or technological equipment to be sold.

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USE OF PROCEEDS OF SALE	Funds received by the District from a sale of instructional materials or technological equipment purchased with the IMA must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211. The Board must certify to the Commissioner that the new instructional materials acquired from the sale of discontinued instructional materials will cover the Texas essential knowledge and skills and be made available to students and/or teachers.
DISPOSAL	<p>The Board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the Board determines that the instructional material is not needed by the District and the Board does not reasonably expect that the instructional material will be needed.</p> <p>The Board shall determine how the District will dispose of discontinued printed instructional materials and technological equipment and must notify the Commissioner prior to the disposal of any instructional materials, identifying the instructional materials to be disposed and the method of disposal.</p> <p><i>Education Code 31.105; 19 TAC 66.1317</i></p>
ANNUAL INVENTORY	<p>The District shall conduct an annual physical inventory of:</p> <ol style="list-style-type: none">1. All currently adopted instructional materials that have been requisitioned by and delivered to the District;2. All non-adopted instructional materials purchased with funds from the IMA; and3. All technological equipment purchased with funds from the IMA. <p>The results of the inventory shall be recorded in the District's files and in the EMAT system. Reimbursement and/or replacement shall be made for all instructional materials determined to be lost.</p> <p><i>19 TAC 66.107(a)</i></p>
LOCAL HANDLING EXPENSES	The District shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. <i>19 TAC 66.104(f)</i>

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE
(LEGAL)

OPTIONS	<p>The District shall extend workers' compensation benefits to its employees by choosing one of the following options:</p> <ol style="list-style-type: none">1. Becoming a self-insurer.2. Providing insurance under workers' compensation insurance contracts or policies.3. Entering into interlocal agreements with other political subdivisions providing for self-insurance. <p><i>Labor Code 504.011</i></p>
DEFINITION	<p>For the purposes of this policy, "employee" means every person in the service of the District who has been employed as provided by law or for whom the District provides optional coverage. No person paid on a basis other than by the hour, day, week, month, or year shall be considered an "employee." <i>Labor Code 504.001, .014</i></p>
OPTIONAL COVERAGES	<p>By majority vote of the Board, the District may cover as employees an elected official or persons paid for service in the conduct of an election. <i>Labor Code 504.012(b)</i></p>
NOTICE	<p>The District shall notify the Texas Department of Insurance (TDI) of the method by which District employees shall receive benefits, the approximate number of employees covered, and the estimated amount of payroll. Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given to the District's employees. <i>Labor Code 504.018</i></p>
REPORT TO CARRIER FIRST REPORT OF INJURY	<p>The District shall provide to the District's insurance carrier a report on each:</p> <ol style="list-style-type: none">1. Death;2. On-the-job injury that results in an employee's absence from work for more than one day; and3. Occupational disease of which the District has received notice of injury or has knowledge. "Knowledge" means receipt of written or verbal information regarding diagnosis or diagnosis through examination or testing by a doctor employed by the District. <p>The report shall contain the information and be in the form, format, and manner prescribed by the TDI, and be filed no later than the eighth day after the employee's absence from work for more than one day or upon first knowledge of absence for more than one day. The District shall maintain a record of the date the report of injury is filed with the insurance carrier.</p>

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

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COPY TO
EMPLOYEE

A copy of the report of injury, including a summary of the employee's rights and responsibilities under the Texas Labor Code, shall be sent to the injured employee at the time the report is filed with the insurance carrier. The summary shall be written in plain language in English and Spanish, or in English and any other language common to the employee, and shall contain the words prescribed by the TDI.

NOTICE OF
MODIFIED DUTY
PROGRAM

The District shall, on the written request of the employee, a doctor, the insurance carrier, or the TDI, notify the employee, the employee's treating doctor if known to the District, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the District. If those opportunities or that program exists, the District shall identify the District's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.

SUPPLEMENTAL
REPORT OF INJURY

A supplemental report shall be filed with the District's insurance carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including all post-injury earnings as defined in 28 Administrative Code Chapter 129 [see OFFSETTING PAID LEAVE AGAINST WORKERS' COMPENSATION INCOME BENEFITS, below], as a result of the injury; or
2. The employee resigns or is terminated.

The District's duty to file supplemental reports continues until the employee reaches "maximum medical improvement" or is no longer employed by the District and the District has made the required report.

For injuries that require the filing of a first report of injury, the District shall file the supplemental report with the District's insurance carrier and provide a copy to the employee within three days after:

1. The employee begins losing time from work as a result of the injury;
2. The employee returns to work; or
3. The employee, after returning to work, experiences an additional day of disability as a result of the injury.

The District shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005; 28 TAC 120.2, .3

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INJURY AND
OCCUPATIONAL
DISEASE REPORT

The District's report of injury filed in accordance with Texas Labor Code 409.005 [see FIRST REPORT OF INJURY, above] shall satisfy the District's requirement to file an injury and occupational disease report under Texas Labor Code 411.032. *28 TAC 160.3*

WAGE REPORTS

The District is required to timely file a complete wage statement on a form prescribed by the TDI.

The wage statement shall be filed with the carrier, the claimant, and any claimant representative. The wage statement should be filed and received within 30 days of the earliest of:

1. The date the District is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and any claimant representative within seven days of a change in any wage information provided on the previous wage statement. A wage statement shall also be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

OMBUDSMAN
PROGRAM

The District shall notify its employees, in the manner prescribed by the TDI, of the ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act. *Labor Code 404.153*

REPORTS OF SAFETY
VIOLATIONS

The District shall notify its employees, in the manner prescribed by the TDI, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. The District shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law. *Labor Code 411.081, .082*

RELATION TO PAID
LEAVE

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

"Lost wages" are the difference between the employee's gross average weekly wage (AWW) and the employee's gross post-injury earnings (PIE). If the employee's PIE equals or exceeds the employee's AWW, the employee has no lost wages.

"Post-injury earnings" include, among several other components:

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1. The value of any full days of accrued sick or annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued or annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee's TIBs, exceeds the AWW.

28 TAC 129.2

OFFSETTING PAID
LEAVE AGAINST
WORKERS'
COMPENSATION
INCOME BENEFITS

The Board may provide that while an employee is receiving workers' compensation benefits, the employee may elect to receive previously accrued sick leave benefits in an amount equal to the difference in the workers' compensation benefits and the weekly compensation the employee was receiving before the injury that resulted in the claim, with a proportionate deduction in the employee's sick leave balance. *Labor Code 504.052* [See DEC(LOCAL)]

Unless the Board adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers' Compensation Law. *Atty. Gen. Op. JC-0040 (1999)*

PROHIBITED
DISCRIMINATION

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.
4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the above provision is liable for reasonable damages incurred by the employee as a result of the violation, and an employee discharged in violation of the above provision is entitled to reinstatement in the former position of employment. The burden of proof in a proceeding alleging violation of the above provision is on the employee. *Labor Code 451.002*

Note: A retaliatory discharge claim may not be brought against the District without its consent. Labor Code Chapter 451 notwithstanding, current state law does not waive the District's immunity and provide consent. *Labor Code 504.053(e); Travis Cent. Appraisal Dist. v. Norman, 342 S.W.3d 54 (Tex. 2011)*

LEAVES OF
ABSENCE

The District shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. *Atty. Gen. Op. JM-227 (1984)*

A district that terminates an employee for violating a reasonable absence-control policy cannot be liable for prohibited discrimination as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez, 937 S.W.2d 444 (Tex. 1996)* [See DEC]

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LOCAL)

DISQUALIFYING
OFFENSES

The District shall obtain criminal history record information on final candidates for employment. All District positions have the potential for contact with students. The District shall disqualify from employment a person whose criminal history indicates that the person poses a threat to students or employees. Consistent with business necessity, the District shall also disqualify from employment a person whose criminal history is otherwise inconsistent with the job duties of the position for which the person is being considered.

INDIVIDUALIZED
ASSESSMENT

The District shall perform an individualized assessment of criminal history record information when determining a person's eligibility for employment in a specific position. The District shall take into account a variety of factors, including the following:

1. The nature of the offense;
2. The age of the person when the crime was committed;
3. The date of the offense and how much time has elapsed;
4. The adjudication of the offense (e.g., whether the person was found guilty by a trier of fact, pled guilty, entered a no contest plea, or received deferred adjudication);
5. The nature and responsibilities of the job sought;
6. The accuracy of the person's disclosure of his or her criminal history during the selection process;
7. The effect of the conduct on the overall educational environment; and
8. Any further information provided by the person concerning his or her criminal history record.

ARRESTS

The fact of an arrest alone does not establish that criminal conduct has occurred, and the District shall not disqualify a person based solely on an arrest. The District may make an employment decision based on the conduct underlying the arrest if the conduct makes the person unfit for the position in question.

SBEC NOTIFICATION

If a candidate for a position has a reported criminal history, and the candidate is certified by the State Board for Educator Certification (SBEC), the District shall report the criminal history to SBEC.

CREDIT HISTORY

The District shall obtain credit history information on a candidate for employment only when the credit history is related to the position for which the person is being considered. The District shall comply with the Fair Credit Reporting Act before obtaining a job-related credit history. [See DBAA(LEGAL)]

Note: This policy summarizes the Family and Medical Leave Act (FMLA) and implementing regulations, including FML for an employee seeking leave because of a relative's military service. For provisions on leaves in general, see DEC. For provisions addressing leave for an employee's military service, see DECB.

This introductory page outlines the contents of this policy on the Family and Medical Leave Act. See the following sections for statutory provisions on:

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SECTION I: GENERAL PROVISIONS

COVERED EMPLOYER All public elementary and secondary schools are “covered employers” under the FMLA, without regard to the number of employees employed. The term “employer” includes any person who acts directly or indirectly in the interest of the District to any of the District’s employees. *29 U.S.C. 2611(4), 2618(a); 29 C.F.R. 825.104(a)*

ELIGIBLE EMPLOYEE “Eligible employee” means an employee who:

1. Has been employed by the District for at least 12 months. The 12 months need not be consecutive;
2. Has been employed by the District for at least 1,250 hours of service during the 12-months immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the District within 75 miles of that worksite.

29 U.S.C. 2611(2); 29 C.F.R. 825.110

[A district that has no eligible employees must comply with the requirements at GENERAL NOTICE, below.]

QUALIFYING REASONS FOR LEAVE The District shall grant leave to eligible employees:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the definitions of “adoption” and “foster care,” see 29 C.F.R. 825.122];
3. To care for the employee’s spouse, son or daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee’s job [For the definition of “serious health condition,” see 29 C.F.R. 825.113];
5. Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) [For the definition of “military member,” see 29 C.F.R. 825.126(b). For the definition of “covered active duty” and “call to covered active duty status,” see 29 C.F.R. 825.102]; and

LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

DECA
(LEGAL)

6. To care for a covered servicemember with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. [For the definitions of "covered servicemember" and "serious injury or illness," see 29 C.F.R. 825.102, .122]

29 U.S.C. 2612(a); 29 C.F.R. 825.112

For provisions regarding treatment for substance abuse, see 29 C.F.R. 825.119.

QUALIFYING
EXIGENCY

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

1. Short-notice deployment.
2. Military events and related activities.
3. Childcare and school activities.
4. Financial and legal arrangements.
5. Counseling.
6. Rest and recuperation.
7. Post-deployment activities.
8. Parental care.
9. Additional activities provided that the District and employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

29 C.F.R. 826.126

PREGNANCY OR
BIRTH

Both the mother and father are entitled to FMLA leave to be with a healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. In addition, the mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. The mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health-care provider during the absence and even if the absence does not last for more than three consecutive calendar days. The husband is entitled to FMLA leave if needed to care for his pregnant spouse who is incapacitated, during her prenatal care, or following the birth of a child if the spouse has a serious health condition. [For the definition of "needed to care for," see 29 C.F.R. 825.124] *29 C.F.R. 825.120*

DEFINITIONS

'NEXT OF KIN'

"Next of kin of a covered servicemember" (for purposes of military caregiver leave) means:

1. The blood relative specifically designated in writing by the covered servicemember as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. The designated individual shall be deemed to be the covered servicemember's only next of kin; or
2. When no such designation has been made, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority:
 - a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions,
 - b. Brothers and sisters,
 - c. Grandparents,
 - d. Aunts and uncles, and
 - e. First cousins.

If there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously.

29 C.F.R. 825.127(d)(3)

'PARENT'

"Parent" (for purposes of family, medical, and qualifying exigency leave) means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents "in law." *29 C.F.R. 825.122*

For the definition of "parent of a covered servicemember" for purposes of military caregiver leave, see *29 C.F.R. 825.127(d)(2)*.

'SON OR
DAUGHTER'

"Son or daughter" (for purposes of family and medical leave) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence. *29 C.F.R. 825.122*

For the definition of “son or daughter on active duty or call to active duty status” for purposes of qualifying exigency leave, see 29 C.F.R. 825.122.

For the definition of “son or daughter of a covered servicemember” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(1).

‘SPOUSE’

“Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized. 29 C.F.R. 825.122

SECTION II: LEAVE ENTITLEMENT AND USE

AMOUNT OF LEAVE

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during a 12-month period for any one or more of the qualifying reasons.

A husband and wife who are employed by the same district may be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if leave is taken for the birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

29 U.S.C. 2612(a), (f); 29 C.F.R. 825.120(a)(3), .200, .201

DETERMINING THE
12-MONTH PERIOD

Except with respect to military caregiver leave, the District may choose any one of the following methods for determining the “12-month period” in which the 12 weeks of leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month “leave year,” such as a fiscal year or a year starting on an employee's “anniversary” date;
3. The 12-month period measured forward from the date any employee's first FMLA leave begins; or
4. A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

29 C.F.R. 825.200(b)

MILITARY
CAREGIVER LEAVE

In the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” is measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins, regardless of the method used by the District to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligi-

ble employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *29 C.F.R. 825.200(f), (g)*

A husband and wife who are employed by the same district may be limited to a combined total of 26 weeks of FMLA leave during the "single 12-month period" if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. *29 C.F.R. 825.127(e)(3)*

SUMMER VACATION
AND OTHER
EXTENDED BREAKS

If the District's activity temporarily ceases and employees generally are not expected to report for work for one or more weeks (e.g., a school closing for two weeks for the Christmas/New Year holiday), those days do not count against the employee's FMLA leave entitlement. Similarly, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.200(h), .601(a)*

INTERMITTENT OR
REDUCED LEAVE
SCHEDULE

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. "Intermittent leave" is FMLA leave taken in separate blocks of time due to a single qualifying reason. A "reduced leave schedule" is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

For leave taken because of the employee's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the District agrees.

29 U.S.C. 2612(b); 29 C.F.R. 825.102, .202

TRANSFER TO
ALTERNATIVE
POSITION

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the District may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *29 U.S.C. 2612(b)(2); 29 C.F.R. 825.204*

LEAVES AND ABSENCES
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CALCULATING
LEAVE USE

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The District must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave, provided the increment is not greater than one hour. *29 C.F.R. 825.205*

SPECIAL RULES FOR
INSTRUCTIONAL
EMPLOYEES

Special rules apply to certain employees of the District. These special rules affect leave taken intermittently or on a reduced schedule, or taken near the end of an academic term (semester) by instructional employees.

“Instructional employees” are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

29 C.F.R. 825.600

FAILURE TO
PROVIDE NOTICE
OF FORESEEABLE
LEAVE

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, the District may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, the District may require the employee to delay the taking of leave until the notice provision is met. *29 C.F.R. 601(b)*

20 PERCENT RULE

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the District may require the employee to choose:

1. To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
2. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

“Periods of a particular duration” means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for “periods of a particular duration” in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 U.S.C. 2618(c); 29 C.F.R. 825.601, .603

LEAVE AT THE END OF
A SEMESTER

As a rule, the District may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, the District may in certain cases require the employee to take leave until the end of the semester.

The school semester, or “academic term,” typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If the District requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the District to the end of the semester is not counted as FMLA leave; however, the District shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

29 U.S.C. 2618(d); 29 C.F.R. 825.603

MORE THAN FIVE
WEEKS BEFORE
END OF SEMESTER

The District may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave more than five weeks before the end of the semester;
2. The leave will last at least three weeks; and
3. The employee would return to work during the three-week period before the end of the semester.

DURING LAST FIVE
WEEKS OF
SEMESTER

The District may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a qualifying exigency;
2. The leave will last more than two weeks; and

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3. The employee would return to work during the two-week period before the end of the semester.

DURING LAST
THREE WEEKS OF
SEMESTER

The District may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a qualifying exigency.

29 C.F.R. 825.602

SUBSTITUTION OF
PAID LEAVE

Generally, FMLA leave is unpaid leave. However, an employee may choose to substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave, the District may require the employee to do so. The term "substitute" means that the paid leave provided by the District, and accrued pursuant to established policies of the District, will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the District's normal leave policy. *29 U.S.C. 2612(d); 29 C.F.R. 825.207(a)*

COMPENSATORY
TIME

If an employee requests and is permitted to use accrued compensatory time to receive pay during FMLA leave, or if the District requires such use, the compensatory time taken may be counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.207(f)*

FMLA AND
WORKERS'
COMPENSATION

A serious health condition may result from injury to the employee "on or off" the job. If the District designates the leave as FMLA leave, the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, neither the employee nor the District may require the substitution of paid leave. However, the District and an employee may agree, where state law permits, to have paid leave supplement workers' compensation benefits.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the District's offer of a "light duty job." As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the District may require the use of accrued paid leave.

29 C.F.R. 825.207(d)

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MAINTENANCE OF
HEALTH BENEFITS

During any FMLA leave, the District must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

29 U.S.C. 2614(c); 29 C.F.R. 825.209

PAYMENT OF
PREMIUMS

During FMLA leave, the employee must continue to pay the employee's share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates. *29 C.F.R. 825.210*

FAILURE TO PAY
PREMIUMS

Unless the District has an established policy providing a longer grace period, the District's obligations to maintain health insurance coverage cease if an employee's premium payment is more than 30 days late. In order to terminate the employee's coverage, the District must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, the District must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

29 C.F.R. 825.212

RECOVERY OF
BENEFIT COST

If an employee fails to return to work after FMLA leave has been exhausted or expires, a District may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. The District may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave. *29 C.F.R. 825.213*

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RIGHT TO
REINSTATEMENT

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. *29 C.F.R. 825.214(a), .216(a)*

MOONLIGHTING
DURING LEAVE

If the District has a uniformly applied policy governing outside or supplemental employment, the policy may continue to apply to an employee while on FMLA leave. A district that does not have such a policy may not deny FMLA benefits on the basis of outside or supplemental employment unless the FMLA leave was fraudulently obtained. *29 U.S.C. 2618(e); 29 C.F.R. 825.216(e)*

REINSTATEMENT
OF SCHOOL
EMPLOYEES

The District shall make the determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave on the basis of established Board policies and practices. The "established policies" must be in writing, must be made known to the employee before the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA. For example, an employee may not be restored to a position requiring additional licensure or certification. *29 C.F.R. 825.604*

PAY INCREASES
AND BONUSES

An employee is entitled to any unconditional pay increases that may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the District's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave.

Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then an employee

who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

29 C.F.R. 825.215(c)

KEY EMPLOYEES

The District may deny job restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District. *29 U.S.C. 2614(b); 29 C.F.R. 825.217-.219*

SECTION III: NOTICES AND MEDICAL CERTIFICATION

EMPLOYER NOTICES
GENERAL NOTICE

Every covered employer must post on its premises a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints with the Department of Labor's Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

If the District has any eligible employees, it shall also:

1. Include the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist; or
2. Distribute a copy of the general notice to each new employee upon hiring.

Electronic posting is sufficient if it meets the other requirements of this section.

If the District's workforce is comprised of a significant portion of workers who are not literate in English, the District shall provide the general notice in a language in which the employees are literate.

The District may use Department of Labor (DOL) form WHD 1420 or may use another format so long as the information provided includes, at a minimum, all of the information contained in that notice.

29 C.F.R. 825.300(a)

ELIGIBILITY NOTICE

When an employee requests FMLA leave, or when the District acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the District must notify the employee of the employee's eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

The District must provide the eligibility notice within five business days, absent extenuating circumstances. Notification of eligibility

may be oral or in writing. The District may use DOL form WH-381 to provide such notification to employees. The District shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(b)

RIGHTS AND
RESPONSIBILITIES
NOTICE

Each time the District provides an eligibility notice to an employee, the District shall also provide a written rights and responsibilities notice. The rights and responsibilities notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(c)(1).

The District may use DOL form WH-381 to provide such notification to employees. The District may adapt the prototype notice as appropriate to meet these notice requirements. The notice may be distributed electronically if it meets the other requirements of this section. The District shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(c)

DESIGNATION
NOTICE

When the District has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the District must notify the employee whether the leave will be designated as FMLA leave. If the District determines that the leave will not be designated as FMLA-qualifying, the District must notify the employee of that determination. Absent extenuating circumstances, the District must provide the designation notice within five business days.

The District may use DOL form WH-382 to provide such notification to employees. If the leave is not designated as FMLA leave because it does not meet the requirements of the Act, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

The designation notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(d)(1) (substitution of paid leave), (d)(3) (fitness for duty certification), and (d)(6) (amount of leave charged against FMLA entitlement). For further provisions on designation of leave, see 29 C.F.R. 825.301.

29 C.F.R. 825.300(d)

RETROACTIVE
DESIGNATION

The District may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if the District's failure to timely designate leave does not cause harm or injury to the employee. In addition, the District and an employee may agree that leave will be retroactively designated as FMLA leave. *29 C.F.R. 825.301(d)*

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DECA
(LEGAL)

EMPLOYEE NOTICE An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, below. The employee does not need to expressly assert rights under the Act or even mention the FMLA. *29 C.F.R. 825.301*

FORESEEABLE LEAVE An employee must provide at least 30 days' advance notice before FMLA leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment of the employee, a family member, or a covered servicemember. If 30 days' notice is not practicable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with the District and make a reasonable effort to schedule the treatment so as not to disrupt unduly the District's operations, subject to the approval of the health-care provider.

29 C.F.R. 825.302

UNFORESEEABLE LEAVE When the approximate timing of leave is not foreseeable, an employee must provide notice to the District as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the District's usual and customary notice requirements applicable to such leave. *29 C.F.R. 825.303*

COMPLIANCE WITH DISTRICT REQUIREMENTS The District may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied. *29 C.F.R. 825.302(d)–.303(c)*

CERTIFICATION OF LEAVE The District may require that an employee's FMLA leave be supported by certification, as described below. The District must give notice of a requirement for certification each time certification is required. At the time the District requests certification, the District must advise the employee of the consequences of failure to provide adequate certification. *29 C.F.R. 825.305(a)*

TIMING In most cases, the District should request certification at the time the employee gives notice of the need for leave or within five business days thereafter or, in the case of unforeseen leave, within five business days after the leave commences. The District may re-

LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

DECA
(LEGAL)

quest certification at a later date if the District later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the District within 15 calendar days after the District's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. *29 C.F.R. 825.305(b)*

INCOMPLETE OR
INSUFFICIENT
CERTIFICATION

The District shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The District must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency.

A certification is "incomplete" if one or more of the applicable entries have not been completed. A certification is "insufficient" if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to the District is not considered incomplete or insufficient, but constitutes a failure to provide certification.

29 C.F.R. 825.305(c)

MEDICAL
CERTIFICATION OF
SERIOUS HEALTH
CONDITION

When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, the District may require the employee to obtain medical certification from a health-care provider. The District may use DOL optional form WH-380-E when the employee needs leave due to the employee's own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious health condition. The District may not require information beyond that specified in the FMLA regulations.

An employee may choose to comply with the certification requirement by providing the District with an authorization, release, or waiver allowing the District to communicate directly with the health-care provider.

For the definition of "health-care provider," see *29 C.F.R. 825.125*.

29 C.F.R. 825.306

GENETIC
INFORMATION

A district subject to the Genetic Information Nondiscrimination Act (GINA) shall comply with the GINA rules with respect to a request for medical information. *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAB]

AUTHENTICATION
AND CLARIFICATION

If an employee submits a complete and sufficient certification signed by the health-care provider, the District may not request additional information from the health-care provider. However, the

District may contact the health-care provider for purposes of clarification and authentication of the certification after the District has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, the District must use a health-care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee's direct supervisor contact the employee's health-care provider.

“Authentication” means providing the health-care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the health-care provider who signed the document; no additional medical information may be requested.

“Clarification” means contacting the health-care provider to understand the handwriting on the certification or to understand the meaning of a response. The District may not ask the health-care provider for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with the District by a HIPAA-covered health-care provider.

29 C.F.R. 825.307(a)

SECOND AND THIRD
OPINIONS

If the District has reason to doubt the validity of a medical certification, the District may require the employee to obtain a second opinion at the District's expense. If the opinions of the employee's and the District's designated health-care providers differ, the District may require the employee to obtain certification from a third health-care provider, again at the District's expense. *29 C.F.R. 825.307(b), (c)*

FOREIGN MEDICAL
CERTIFICATION

If the employee or a family member is visiting another country, or a family member resides in another country, and a serious health condition develops, the District shall accept medical certification as well as second and third opinions from a health-care provider who practices in that country. If the certification is in a language other than English, the employee must provide the District with a written translation of the certification upon request. *29 C.F.R. 825.307(f)*

RECERTIFICATION

The District may request recertification no more often than every 30 days and only in connection with an absence by the employee, except as set forth in the FMLA regulations. The District must allow at least 15 calendar days for the employee to provide recertification.

LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

DECA
(LEGAL)

As part of the recertification for leave taken because of a serious health condition, the District may provide the health-care provider with a record of the employee's absence pattern and ask the health-care provider if the serious health condition and need for leave is consistent with such a pattern.

29 C.F.R. 825.308

CERTIFICATION—
QUALIFYING
EXIGENCY LEAVE

The first time an employee requests leave because of a qualifying exigency, the District may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service.

The District may also require that the leave be supported by a certification that addresses the information at 29 C.F.R. 825.309(b). The District may use DOL optional form WH-384, or another form containing the same basic information, for this certification. The District may not require information beyond that specified in the regulations.

29 C.F.R. 825.309

CERTIFICATION—
MILITARY
CAREGIVER LEAVE

When an employee takes military caregiver leave, the District may require the employee to obtain a certification completed by an authorized health-care provider of the covered servicemember. In addition, the District may request that the employee and/or covered servicemember address in the certification the information at 29 C.F.R. 825.310(c). The District may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill servicemember.

The District may use DOL optional form WH-385, or another form containing the same basic information, for this certification. The District may not require information beyond that specified in the regulations. The District must accept as sufficient certification "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside.

The District may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and recertifications, are not permitted for leave to care for a covered servicemember.

29 C.F.R. 825.310

LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

DECA
(LEGAL)

INTENT TO RETURN TO WORK The District may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The District's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation. *29 C.F.R. 825.311*

FITNESS FOR DUTY CERTIFICATION As a condition of restoring an employee who took FMLA leave due to the employee's own serious health condition, the District may have a uniformly applied policy or practice that requires all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health-care provider that the employee is able to resume work. The District may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. *29 C.F.R. 825.312*

FAILURE TO PROVIDE CERTIFICATION If the employee fails to provide the District with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the District may deny the taking of FMLA leave. This provision applies in any case where the District requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient. *29 C.F.R. 825.305*

For failure to provide timely certification of foreseeable leave, see *29 C.F.R. 825.313(a)*. For failure to provide timely certification of unforeseeable leave, see *29 C.F.R. 825.313(b)*. For failure to provide timely recertification, see *29 C.F.R. 825.313(c)*. For failure to provide timely fitness-for-duty certification, see *29 C.F.R. 825.313(d)*.

SECTION IV: MISCELLANEOUS PROVISIONS

RECORDS The District shall make, keep, and preserve records pertaining to its obligations under the FMLA in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA) and the FMLA regulations. The District shall keep these records for no less than three years and make them available for inspection, copying, and transcription by representatives of the DOL upon request.

If the District is preserving records electronically, the District must comply with *29 C.F.R. 825.500(b)*. A district that has eligible employees must maintain records with the data set forth at *29 C.F.R. 825.500(c)*. A district that has no eligible employees must maintain just the data at *29 C.F.R. 825.500(c)(1)*. For districts in a joint employment situation, see *29 C.F.R. 825.500(e)*.

LEAVES AND ABSENCES
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(LEGAL)

Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.

If the Genetic Information Nondiscrimination Act (GINA) is applicable, records and documents created for purposes of FMLA leave that contain family medical history or genetic information shall be maintained in accordance with the confidentiality requirements of GINA (see 29 C.F.R. 1635.9), which permit such information to be disclosed consistent with the requirements of the FMLA. [For information regarding GINA, see DAB(LEGAL)]

If the Americans with Disabilities Act (ADA) is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements [see 29 C.F.R. 1630.14(c)(1)], except as set forth in this section of the regulations.

29 C.F.R. 825.500

PROHIBITION AGAINST
DISCRIMINATION AND
RETALIATION

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. *29 U.S.C. 2615; 29 C.F.R. 825.220*

Note: The forms on the following pages are for termination of a probationary contract at the end of the contract term. For termination of a probationary contract during the contract term for reasons other than financial exigency, see DF. For termination of a probationary contract during the contract term due to financial exigency, see DFFA.

Exhibit A: Notice of End-of-Year Termination of Probationary Contract — 1 page

Exhibit B: Documentation of Delivery: Notice of Termination of Probationary Contract — 1 page

EXHIBIT A

NOTICE OF END-OF-YEAR TERMINATION
OF PROBATIONARY CONTRACT

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board took action to terminate your employment contract.

Your employment with the District will end effective the last duty day of the school year.

Please direct questions regarding the termination of your contract to the Superintendent.

Signature

Printed name

Title

EXHIBIT B

DOCUMENTATION OF DELIVERY:
NOTICE OF TERMINATION OF PROBATIONARY CONTRACT

(For office use only. This document to be retained in the employee's personnel file.)

Employee name: _____

(Notice must be delivered personally by hand delivery to the employee on the campus at which the employee is employed.)

Hand delivery:

Completed: _____ Attempted: _____ (check only one)

Date: _____ By: _____ (name)

(If the employee is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the employee's address of record with the District.)

Mail or delivery service:

Sent by: Certified mail _____ Express delivery service _____ (check only one)

Employee's address of record:

Date: _____ By: _____
(District representative)

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 E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials
EFAA	Selection and Adoption
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
EFF	Instructional Television
EG	CURRICULUM DEVELOPMENT
EGA	Innovative and Magnet Programs
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	ARD Committee and Individualized Education Program
EHBAC	Students in Non-District Placement
EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBB	Gifted and Talented Students

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 E: INSTRUCTION

EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten
EHBH	Other Special Populations
EHBI	Adult and Community Education
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHBM	Travel Study
EHBN	Honors
EHD	Alternative Methods for Earning Credit
EHDA	Summer School
EHDB	Credit by Examination With Prior Instruction
EHDC	Credit by Examination Without Prior Instruction
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation
EJ	ACADEMIC GUIDANCE PROGRAM
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	English Language Learners/LEP Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CHARTER CAMPUS OR PROGRAM
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

TITLE III
REQUIREMENTS

A district that receives funds under Title III of the No Child Left Behind Act shall comply with the statutory requirements regarding limited English proficient and immigrant students. *20 U.S.C. 6801–7014*

STATE POLICY

It is the policy of the state that every student who has a home language other than English and who is identified as an English language learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

DEFINITIONS

“Student of limited English proficiency (LEP)” means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.

“English language learner” is a person who is in the process of acquiring English and has another language as the first native language.

The terms English language learner and LEP student are used interchangeably.

“Parent” includes a legal guardian of a student.

DISTRICT
RESPONSIBILITY

The District shall:

1. Identify English language learners based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the regular program;
3. Seek certified teaching personnel to ensure that English language learners are afforded full opportunity to master the essential knowledge and skills; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for English language learners and the schools that serve them.

Education Code 29.052; 19 TAC 89.1201(a), .1203

IDENTIFICATION OF
LEP STUDENTS

Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

LANGUAGE
PROFICIENCY
ASSESSMENT
COMMITTEES
(LPAC)

Each district that is required to offer bilingual and special language programs shall, by local Board policy, establish an LPAC. The District shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within 20 school days of the enrollment of LEP students. The District shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

MEMBERSHIP OF
LPAC

The LPAC shall include:

1. A professional bilingual educator;
2. A professional transitional language educator;
3. A parent of a LEP student; and
4. A campus administrator.

The District may add other members to the committee in any of the required categories. If the District does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC.

In districts and grade levels at which the District is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel, a campus administrator, and a District-designated parent of a LEP student.

No parent serving on the LPAC shall be an employee of the District.

All members of the LPAC, including parents, shall be acting for the District and shall observe all laws and rules governing confidentiality of information concerning individual students. The District shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

DUTIES

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k).

HOME LANGUAGE
SURVEY

Within four weeks of each student's enrollment, the District shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be retained in the student's permanent record.

The District shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the District and to students previously enrolled who were not surveyed in the past.

The home language survey shall contain the following questions:

1. "What language is spoken in your home most of the time?"
2. "What language does your child speak most of the time?"

Additional information may be collected by the District and recorded on the home language survey.

The home language survey shall be used to establish the student's language classification for determining whether the District is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 Administrative Code 89.1225 and additionally for students with disabilities, 19 Administrative Code 89.1230.

Education Code 29.056(a)(1); 19 TAC 89.1215

LEP
CLASSIFICATION

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

PARENTAL NOTICE
AND CONSENT

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. The notice must be in English and in the parent's primary language. The notice shall inform the parents of the benefits of the program for

which the student is recommended and that it is an integral part of the school program.

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent.

Pending parent approval, the District shall place the student in the recommended program, but may count only those students with parent approval for bilingual education allotment.

The District may identify, exit, or place a student in a program without written approval of the student's parent or guardian if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;
3. Approval is obtained from:
 - a. An adult whom the District recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or
 - b. The student, if no parent, guardian, or other responsible adult is available; or
4. A parent or guardian has not objected in writing to the proposed entry, exit, or placement.

Education Code 29.056(a), (d); 19 TAC 89.1220(j), (m), .1240(a)

PARTICIPATION OF
NON-LEP
STUDENTS

With the approval of the District and a student's parents, a student who is not LEP may also participate in a bilingual education program. The number of participating students who are not LEP may not exceed 40 percent of the number of students enrolled in the program. *Education Code 29.058; 19 TAC 89.1233*

BILINGUAL AND ESL
PROGRAMS

Each district with an enrollment of 20 or more LEP students in any language classification in the same grade level district-wide shall offer a bilingual education or special language program, as follows:

1. Kindergarten through elementary grades: the District shall provide a bilingual education program by offering dual language instruction using one of the four bilingual program models described in 19 Administrative Code 89.1210(d). [See BILINGUAL EDUCATION PROGRAM MODELS, below]

2. Post-elementary through grade 8: the District shall offer bilingual education, ESL, or other transitional language instruction approved by TEA.
3. Grades 9 through 12: the District shall provide ESL instruction by offering an ESL program using one of the two models described at 19 Administrative Code 89.1210(g). [See ESL PROGRAM MODELS, below]

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

Education Code 29.053(c), (d), .054; 19 TAC 89.1205

PROGRAM
CONTENT

The District's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. The amount of instruction in each language within the bilingual education program shall be commensurate with the students' level of proficiency in each language and their level of academic achievement.

The bilingual education program shall address the affective, linguistic, and cognitive needs of English language learners as described at 19 Administrative Code 89.1210(c).

An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. Instruction in ESL shall be commensurate with the student's level of English proficiency and his or her level of academic achievement.

The District shall provide for ongoing coordination between the ESL program and the regular educational program. The ESL program shall address the affective, linguistic, and cognitive needs of English language learners as described at 19 Administrative Code 89.1210(f).

The bilingual education and ESL programs shall be an integral part of the regular educational program required under 19 Administrative Code Chapter 74 (Curriculum Requirements).

The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

The District shall modify the instruction, pacing, and materials of bilingual and ESL programs to ensure that English language learn-

ers have a full opportunity to master the essential knowledge and skills of the required curriculum. Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their home language or in English for each content area.

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The District shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program.

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The District shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.

Education Code 29.055, .057(b); 19 TAC 89.1210(a)

BILINGUAL
EDUCATION
PROGRAM
MODELS

The bilingual education program shall be implemented with consideration for each English language learner's unique readiness level through one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/two-way; or
4. Dual language immersion/one-way.

19 TAC 89.1210(d)

ESL PROGRAM
MODELS

The ESL program shall be implemented with consideration for each English language learner's unique readiness level through one of the following program models:

1. ESL/content-based program model; or
2. ESL/pull-out program model.

19 TAC 89.1210(g)

DUAL LANGUAGE
IMMERSION
PROGRAM (DLIP)

"Dual language immersion" is an educational approach in which students learn two languages in an instructional setting that integrates subject content presented in English and another language. Models vary depending on the amount of each language used for instruction at each grade level. The program must be based upon

instruction that adds to the student's first language. The implementation of a dual language immersion program (DLIP) model is optional. *19 TAC 89.1203*

The District may adopt a DLIP for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

IMPLEMENTATION

Program implementation should:

1. Begin at prekindergarten, kindergarten, or grade 1, as applicable;
2. Continue without interruption incrementally through the elementary grades whenever possible; and
3. Consider expansion to middle school and high school whenever possible.

19 TAC 89.1227

MINIMUM
REQUIREMENTS

A DLIP must:

1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.
2. Be a full-time program of academic instruction in English and another language.
3. Provide a minimum of 50 percent of instructional time in the language other than English.
4. Be developmentally appropriate and based on current best practices research.

19 TAC 89.1227

ENROLLMENT

Student enrollment in a DLIP is optional. The program must fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or handicapping condition. The District must obtain written parental approval for student participation in the program sequence and model established by the District.

A district implementing a DLIP must develop a policy on enrollment and continuation for students in the program. The policy must address:

1. Eligibility criteria;
2. Program purpose;

3. Grade levels in which the program will be implemented;
4. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
5. Expectations for students and parents.

19 TAC 89.1228

EVALUATION

A district implementing a DLIP must conduct annual formative and summative evaluations collecting a full range of data to determine program impact on student academic success.

The success of a DLIP is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas essential knowledge and skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.

19 TAC 89.1267

SCHOOL
DISTRICT
RECOGNITION

An exceptional DLIP may be recognized by the Board using the following criteria:

1. The District must exceed the minimum requirements stated in 19 Administrative Code 89.1227.
2. The District must not receive the lowest performance rating in the state accountability system.
3. The District must not be identified for any stage of intervention for the District's bilingual and/or ESL program under the performance-based monitoring system.
4. The District must meet the adequate yearly progress participation and performance criteria in reading and mathematics for the English language learner student group under Elementary and Secondary Education Act (ESEA) regulations.

STUDENT
RECOGNITION

A student participating in a DLIP may be recognized by the program and the Board using the following criteria:

1. The student must meet or exceed statewide student assessment passing standards in all subject areas at the appropriate grade level.

2. The student must meet or exceed expected levels of language proficiency on a recognized language proficiency test from the list of tests approved by the Commissioner.

19 TAC 89.1269

FACILITIES

Bilingual education and special language programs shall be located in the District's regular schools rather than in separate facilities. The District may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent LEP students. Recent immigrant English language learners enrolled in newcomer centers shall return to home campuses no later than two years after initial enrollment in a newcomer program. *Education Code 29.057; 19 TAC 89.1235*

COOPERATION
AMONG DISTRICTS

The District may join with one or more other districts to provide the required bilingual and special education programs. The availability of the programs shall be publicized throughout the districts involved.

The District may allow a nonresident LEP student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district of residence.

Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls.

Education Code 29.059; 19 TAC 89.1220(I)

SUMMER PROGRAM

If the District is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The District shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

OTHER PROGRAM	<p>The District may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.</p> <p>Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.</p> <p><i>Education Code 29.060</i></p>
PERSONNEL	<p>Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. <i>Education Code 29.061(b), (c)</i></p> <p>If the District is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the District may file an application for exception with TEA, in accordance with 19 Administrative Code 89.1207. <i>Education Code 29.054; 19 TAC 89.1207</i></p>
LEP STUDENTS AND STATE ASSESSMENTS	<p>In kindergarten–grade 12, a LEP student shall participate in the state assessment in accordance with Commissioner’s rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]</p>
PROGRAM EXIT	<p>The District may transfer a LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:</p> <ol style="list-style-type: none"><li data-bbox="561 1157 1432 1293">1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;<li data-bbox="561 1314 1432 1587">2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and<li data-bbox="561 1608 1432 1682">3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation. <p><i>Education Code 29.056(g)</i></p>
NOTICE TO PARENTS	<p>The District shall notify parents of a student’s reclassification as English proficient and his or her exit from the bilingual or ESL program. <i>19 TAC 89.1240(b)</i></p>

POST-EXIT
MONITORING

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

PEIMS REPORTING
REQUIREMENTS

A district that is required to offer bilingual education or special language programs shall include the following information in the District's Public Education Information Management System (PEIMS) report:

1. Demographic information on students enrolled in District bilingual education or special language programs;
2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the District; and
3. The number and percentage of students identified as LEP students who do not receive specialized instruction.

Education Code 29.066(a)

SPECIAL PROGRAMS
ADULT AND COMMUNITY EDUCATION

EHBI
(LEGAL)

ADULT EDUCATION The District shall provide, to the extent possible within available public and private resources, adult education programs designed to meet the education and training needs of adults. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development. *Education Code 29.253*

ESSENTIAL PROGRAM COMPONENTS The following essential program components shall be provided:

1. Adult basic education;
2. Programs for adults of limited English proficiency;
3. Adult secondary education, including programs leading to the achievement of a high school equivalency certificate and/or high school diploma;
4. Instructional services to improve student proficiencies necessary to function effectively in adult life, including accessing further education, employment-related training, or employment;
5. Assessment and guidance services related to items 1–4, above; and
6. Collaboration with multiple partners in the community to expand the services available to adult learners and to prevent duplication of services.

19 TAC 89.23

DIPLOMA REQUIREMENTS The standards for awarding diplomas to adults shall be those established in 19 Administrative Code Chapter 74, except:

1. There shall be no limit to the number of secondary credits adults may earn by demonstrating competence.
2. Adults may earn the required physical education credits by one or more of the following:
 - a. Satisfactory completion of approved secondary physical education courses; or
 - b. Substitution of state-approved secondary elective courses.
3. Adults must meet the requirements for successful performance on a secondary level test designated by the Commissioner.

19 TAC 89.24

SPECIAL PROGRAMS
ADULT AND COMMUNITY EDUCATION

EHBI
(LEGAL)

STAFF DEVELOPMENT All adult education staff hired after September 1, 1996, shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. Aides shall have at least a high school diploma or a high school equivalency certificate.

Directors, teachers, counselors, and supervisors must have a bachelor's degree. Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of inservice professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience.

The requirements for inservice professional development may be reduced by local programs in individual cases upon documented demonstration of exceptional circumstances that prevent employees from completing the required hours.

These staff development requirements apply to volunteers who generate contact time that is part of the adult education program and is reported to TEA for funding purposes. [See DMA]

19 TAC 89.25

STAFF ASSIGNMENTS Teachers and aides shall be assigned to instruction, counseling, and/or assessment for a minimum of 75 percent of the hours for which they are employed. *19 TAC 89.26*

TUITION AND FEES Tuition and fees shall not be charged unless the District is statutorily authorized to do so. Funds generated by such tuition and fees shall be used for the adult education instructional program. *19 TAC 89.33*

REIMBURSEMENT FOR COMMUNITY EDUCATION If the Board elects to provide community education for all age groups, it may be eligible for reimbursement for the costs of the program. In order to receive reimbursement, it must submit an application in accordance with TEA rules and reimbursement shall be made to the extent authorized.

CONDITIONS The District will receive such reimbursement only if it has achieved the level of community services prescribed by TEA in the current or preceding year.

Education Code 29.256

ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

EHDE
(LEGAL)

DISTANCE LEARNING
AND
CORRESPONDENCE
COURSES

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

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the Commissioner.
2. Students may earn course credit through distance learning technologies, such as satellite, Internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TxVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

TEXAS VIRTUAL
SCHOOL NETWORK

The TxVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TxVSN is a partnership network administered by TEA in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, and institutions of higher education.

The TxVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

19 TAC 70.1001(4)

ONLINE SCHOOL
(OLS) PROGRAM

“Online School (OLS) program” is a full-time, virtual instructional program that is made available through an approved provider district and is designed to serve students in grades 3–12 who are not physically present at school. *19 TAC 70.1001(7)*

A TxVSN OLS may serve students in grades 3–12 but may not serve students in kindergarten–grade 2.

A school district wishing to operate a TxVSN OLS in order to serve students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TxVSN OLS or a school district wishing to begin operating a TxVSN OLS shall certify that the OLS has courses sufficient to comprise a full instructional program for each grade level served by the OLS prior to serving that grade level.

School districts approved to serve as TxVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TxVSN OLS students.

School districts serving as TxVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

19 TAC 70.1011

STATEWIDE
COURSE CATALOG

“Statewide course catalog” is a supplemental online high school instructional program available through approved providers. *19 TAC 70.1001(10)*

PROVIDER
DISTRICTS

A TxVSN provider district is an entity that provides an electronic course through the TxVSN. Provider districts include TxVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

ELECTRONIC
COURSE

“Electronic course” means an educational 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 a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

Education Code 30A.001(4); 19 TAC 70.1001(1)

OLS ELIGIBILITY

To be eligible to serve as a TxVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (relating to Accreditation Status);
2. Be rated acceptable under Education Code 39.054;
3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Ad-

ministrative Code 109.1003 (relating to Types of Financial Accountability Ratings);

4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance; and
5. Be in good standing with other programs, grants, and projects administered through TEA.

19 TAC 70.1009(a)

STATEWIDE
COURSE
CATALOG
PROVIDER
ELIGIBILITY

To be eligible to serve as a TxVSN statewide course catalog provider, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TxVSN to students enrolled in that district or school or students enrolled in another school district or school in the state.
19 TAC 70.1007(a)

GENERAL
REQUIREMENTS

TxVSN provider districts shall:

1. Notify parents and students of the option to enroll in the TxVSN OLS at the time and in the manner that the school district informs students and parents about instructional programs or courses offered in the district's traditional classroom setting;
2. Notify students in writing upon enrollment to participate in the TxVSN OLS with specific dates and details regarding enrollment;
3. Meet all federal and state requirements for educating students with disabilities;
4. Provide a contingency plan for the continuation of instructional services to all TxVSN OLS program students allowing them to complete their TxVSN OLS program subject areas or courses in the event that the contract or agreement through which the TxVSN OLS program instructional services are provided is terminated or a TxVSN OLS program subject area or course becomes unavailable to the student; and
5. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less.

19 TAC 70.1007(b)

ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

EHDE
(LEGAL)

COURSES	<p>All electronic courses to be made available through the TxVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. <i>19 TAC 70.1005(a)</i></p> <p>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 TxVSN. <i>Education Code 30A.006</i></p>
STUDENT ELIGIBILITY GENERALLY	<p>A student is eligible to enroll in a course provided through the TxVSN only if the student:</p> <ol style="list-style-type: none">1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 42.003;2. Has not graduated from high school; and3. Is otherwise eligible to enroll in a public school in this state. <p>A student is eligible to enroll full-time in courses provided through the TxVSN only if:</p> <ol style="list-style-type: none">1. The student was enrolled in a public school in this state in the preceding school year; or2. The student has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.
EXCEPTION FOR MILITARY DEPENDENTS	<p>A student is eligible to enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if the student:</p> <ol style="list-style-type: none">1. Is a dependent of a member of the United States military;2. Was previously enrolled in high school in this state; and3. No longer resides in this state as a result of a military deployment or transfer.
PROVISIONAL ENROLLMENT	<p>If a student has not provided required evidence of eligibility to enroll, a TxVSN OLS may enroll a student provisionally for ten school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within ten school days of the provisional enrollment.</p> <p>Upon enrolling a student provisionally, the TxVSN OLS shall notify the student and the student's parents or guardians that the student</p>

will be withdrawn if documentation is not provided within the required timeframe.

Education Code 30A.002; 19 TAC 70.1013

ENROLLED
STUDENTS

A student who is enrolled in the District as a full-time student may take one or more electronic courses through the TxVSN. *Education Code 30A.107(b)*

UNENROLLED
STUDENTS

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c)

ENROLLMENT,
ADVANCEMENT,
AND
WITHDRAWAL

A student taking a course through the TxVSN statewide course catalog or a TxVSN OLS program is considered to:

1. Be enrolled in a TxVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TxVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and earns credit for the course, as determined by the TxVSN teacher; and
3. Be, and must be reported as, withdrawn from the TxVSN when the student is no longer actively participating in the TxVSN course or program.

A student taking a course through the TxVSN statewide course catalog:

ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

EHDE
(LEGAL)

1. Shall enroll in each TxVSN course through the TxVSN online registration system;
2. Shall be assigned a grade by the TxVSN teacher after the drop period established by TxVSN central operations;
3. May withdraw from a course taken through the TxVSN after the instructional start date without academic or financial penalty within the drop period established by TxVSN central operations; and
4. Shall have the grade assigned by the TxVSN teacher added to the student's transcript by the student's home district.

A student enrolled full time in grades 3–8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TxVSN teacher for the educational program.

19 TAC 70.1015

COMPULSORY
ATTENDANCE

Texas public school students are not required to be in physical attendance while participating in courses through a TxVSN OLS or the TxVSN course catalog.

Based upon successful completion of a TxVSN course for students in grades 9–12 or a TxVSN OLS instructional program for students in grades 3–8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TxVSN course providers and TxVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TxVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TxVSN statewide course catalog.

19 TAC 70.1001(9), .1017

LOCAL POLICY

The District shall adopt a policy that provides students enrolled in the District with the opportunity to enroll in electronic courses provided through the TxVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below. *Education Code 30A.007(a); 19 TAC 70.1033*

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 TxVSN.

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 TxVSN. 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 TxVSN. The Commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031; 19 TAC 70.1035

STUDENTS WITH
DISABILITIES

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

PROHIBITION ON
REQUIRED
ENROLLMENT

The District or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

EHDE
(LEGAL)

COURSE PORTABILITY	<p>A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. <i>Education Code 30A.1051; 19 TAC 70.1015(d)</i></p>
STUDENT ASSESSMENT	<p>All Texas public school students enrolled in the TxVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.</p> <p>The District shall report to the Commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students.</p> <p>All districts participating in the TxVSN OLS program are included in the state's academic accountability system.</p> <p><i>Education Code 30A.110; 19 TAC 70.1023</i></p>
COURSE COST	<p>The District may charge the course cost for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and:</p> <ol style="list-style-type: none">1. Is enrolled in the District or open-enrollment charter school as a full-time student; and2. Is enrolled in a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools. <p>The District may charge the course cost for enrollment in an electronic course provided through the TxVSN during the summer.</p> <p>The District shall charge the course cost for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.</p> <p>A TxVSN course cost may not exceed the lesser of the cost of providing the course or \$400.</p> <p>A district that is not the provider district may charge a student enrolled in the district a nominal fee, not to exceed \$50, if the student enrolls in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level.</p> <p>A TxVSN statewide course catalog provider district shall receive:</p>

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

Education Code 30A.155(a)-(c-1); 19 TAC 70.1025

EDUCATORS OF
ELECTRONIC
COURSES

Each teacher of an electronic course, including a dual credit course, offered through the TxVSN by a provider district must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a provider district.

In addition, each teacher must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TxVSN central operations before teaching an electronic course offered through the TxVSN; or
2. Have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K–12 Learning (iNACOL) National Standards for Quality Online Teaching; or
3. Have two or more years of documented experience teaching online courses for students in grades 3–12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching.

Each teacher of an electronic course, including a dual credit course, offered through the TxVSN by a provider district must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

School districts and charter schools serving as TxVSN provider districts shall affirm the preparedness of teachers of TxVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:
 - a. Successful initial completion of TxVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and

- b. Teachers' demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TxVSN;
2. Maintain records of successful completion of continuing professional development;
3. Maintain records documenting successful completion of TxVSN-approved professional development before the end of the school year for any teacher who is hired after the school year has begun; and
4. Make the records specified in this subsection available to TEA and TxVSN central operations upon request.

19 TAC 70.1027

REVOCATION

The Commissioner may revoke the right to participation in the TxVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;
2. Noncompliance with requirements and assurances outlined in the contractual agreements with TxVSN central operations and/or these provisions and Education Code Chapter 30A; or
3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

19 TAC 70.1029

APPLICABILITY

Unless the District chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of the District or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by the District only to District students if the course is not provided as part of the TxVSN.

Education Code 30A.004

A student may graduate and receive a diploma only if the student successfully completes:

1. The curriculum requirements identified by the State Board of Education [see STATE GRADUATION REQUIREMENTS, below] and has performed satisfactorily on state-required assessments [see EKB]; or
2. An individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(a); 19 TAC 101.3022

POSTHUMOUS
DIPLOMA

Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student’s parent, the District shall issue a high school diploma posthumously to a student who died while enrolled in the District at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died. “School year” includes any summer session following the spring semester.

EXCEPTION

The District is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

DIPLOMAS FOR
VETERANS

Notwithstanding any other provision of this policy, the District may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

DIPLOMA /
TRANSCRIPT /
CERTIFICATE OF
COURSEWORK
COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record or transcript, rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.51(a), .61(a)* [See EI for provisions regarding certificate of coursework completion]

SPECIAL
EDUCATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)*

PERSONAL
GRADUATION
PLAN (PGP)

A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in a junior high, middle, or high school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by the District.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

In addition, the District is encouraged to establish for each student entering grade 9 a PGP that identifies a course of study that:

ACADEMIC ACHIEVEMENT
GRADUATION

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1. Promotes college and workforce readiness;
2. Promotes career placement and advancement; and
3. Facilitates the student's transition from secondary to postsecondary education.

Education Code 28.0212

STUDENTS
RECEIVING
SPECIAL
EDUCATION
SERVICES

For a student receiving special education services, the student's ARD committee and the District are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

EARLY GRADUATION

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of the Board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), .003(b) [See FMH, FNG]*

STATE GRADUATION
REQUIREMENTS

All credit for graduation must be earned no later than grade 12. *19 TAC 74.51(b), .61(b), .71(b)*

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2004–05 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74).

MINIMUM HIGH
SCHOOL PROGRAM

The District shall ensure that each student enrolls in the courses necessary to complete the Recommended or Advanced/Distinguished Achievement High School Program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the tenth grade one or more times as determined by the District.

A student agreeing to take courses under the Minimum High School Program may, upon request, resume taking courses under the Recommended High School Program.

STUDENTS WITH DISABILITIES	If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.
NOTICE	Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the Minimum High School Program, the District must provide the written notice developed by TEA to the parent or person standing in parental relation explaining the benefits of the Recommended High School Program.
APPLICABILITY	<p>A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.</p> <p><i>Education Code 28.025(b), (b-6), (b-8); 19 TAC 74.51(d), .52–.54, .61(c)–(e), .62–.64, .71(c), (d)</i></p>
REQUIREMENTS	<p>A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.52. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62. A student who entered grade 9 in the 2012–13 school year or thereafter must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. <i>19 TAC 74.52, .62, .72</i></p>
RECOMMENDED HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.53.</p> <p>A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.</p>

A student who entered grade 9 in the 2012–13 school year or thereafter must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.

Education Code 28.025; 19 TAC 74.53, .63, .73

ADVANCED /
DISTINGUISHED
ACHIEVEMENT
HIGH SCHOOL
PROGRAM

A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.54.

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.

A student who entered grade 9 in the 2012–13 school year or thereafter must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.

Education Code 28.025, 19 TAC 74.54, .64, .74

CURRICULUM MAY
NOT VARY

The District may not vary the curriculum for a course in the required curriculum based on whether a student is enrolled in the Minimum, Recognized, or Advanced/Distinguished Achievement High School Program. *Education Code 28.004(q)*

SUBSTITUTIONS

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.53(d), .54(e), .63(d), .64(e), .73(d), .74(e)*

AP OR IB COURSES

College Board Advanced Placement and International Baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.51(h), .61(k), .71(i)*

READING

The District may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the District:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and

3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.51(e), .61(e), .71(f)

COLLEGE
COURSES

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. *Education Code 28.002(b-7); 19 TAC 74.51(i), .61(l), .71(j)*

PHYSICAL
EDUCATION
SUBSTITUTIONS

In accordance with local District policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

OTHER PHYSICAL
ACTIVITY

1. Drill team;
2. Marching band; and
3. Cheerleading.

In accordance with local District policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. The District must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the Superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the Superintendent to be of high

quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

RESTRICTIONS	<p>All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.</p> <p>No more than four substitution credits may be earned through any combination of substitutions listed above.</p>
STUDENT WITH DISABILITY OR ILLNESS	<p>A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:</p> <ol style="list-style-type: none">1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or3. A committee, established by the District, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.
STUDENT WITH PHYSICAL LIMITATIONS	<p>If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.</p> <p><i>Education Code 28.025(b-10)–(b-11); 19 TAC 74.52(b)(7), .53(b)(7), .54(b)(7), .62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)</i></p>

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

TRANSFERS FROM
OUT-OF-STATE OR
NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.51(f), .61(f), .71(g)* [See EHDB, EHDC, EHDE, and EI]

PREREQUISITES

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the District; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

The District may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.71(k), (l)

PRIOR COURSES

High school courses successfully completed prior to grade 9 and the 2007–08 school year shall count toward graduation in the manner established in 19 Administrative Code Chapter 74 for credit in the year the course is successfully completed.

Science and physical education graduation requirements successfully completed prior to the 2010–11 school year shall count toward graduation in the manner established at the time the credit was earned.

Physical education graduation requirements successfully completed through a two- or three-credit career and technical education work-based training course prior to the 2011–12 school year shall count toward graduation.

19 TAC 74.61(f), (m)

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

GRADUATION OF
SPECIAL EDUCATION
STUDENTS

A student receiving special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

COMPLETION OF
GENERAL
EDUCATION
REQUIREMENTS

1. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 and credit requirements applicable to students in general education for graduation under the Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance as established in Education Code Chapter 39, on the required state assessments.
2. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 and credit requirements applicable to students in general education for graduation under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.

COMPLETION OF
IEP

3. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions, consistent with the IEP:
 - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - b. Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District; or
 - c. Access to services that are not within the legal responsibility of public education, or employment or educational

options for which the student has been prepared by the academic program.

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

The ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

AGING OUT

4. The student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

19 TAC 89.1070(b), (e)–(f)

EVALUATION

Special education students graduating under the above provisions shall be provided with a summary of academic achievement and functional performance as described at 34 C.F.R. 300.305(e)(3). The summary shall consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. If the student is graduating based on completion of his or her IEP, the evaluation under 34 C.F.R. 300.305(e) shall be included as part of the summary. Students who participate in graduation ceremonies but who are not graduating under 19 Administrative Code 89.1070(b)(3) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(c)–(d)*

GRADUATION OF
MILITARY
DEPENDENTS

COURSE WAIVER

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

TRANSFERS
DURING SENIOR
YEAR

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the District after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

SUBSTITUTE
PASSING
STANDARD

The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ A, C [See FDD]

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

STATE ASSESSMENT
OF ACADEMIC SKILLS

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see TESTING IN GRADES 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course (EOC) assessment instruments [see END-OF-COURSE ASSESSMENTS, below]. *Education Code 39.025(a)*

LIMITED ENGLISH
PROFICIENT (LEP)
STUDENTS

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with Commissioner's rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

SPECIAL
EDUCATION

TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee. The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c). *Education Code 39.023(b)–(c)*

MILITARY
DEPENDENTS

If the student is a military dependent, the District shall accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then a Commissioner's substitute passing standard shall apply.

SUBSTITUTE
PASSING
STANDARD

The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the

first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ B–C [See FDD]

ADMINISTRATION

The District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for administering tests.

19 TAC 101.25, .27

SCHEDULE

The Commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3)(1) and (2), and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

ALTERNATE TEST
DATES

The Commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or District is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect the District's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause the District or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and

4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the Commissioner may prohibit the District or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the District, campus, and students.

19 TAC 101.5003

NOTICE TO PARENTS
AND STUDENTS

The Superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

GRADE
ADVANCEMENT
TESTING

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing.

Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, and no later than the beginning of the student's first-grade year for all other students. The Superintendent shall also provide such notice for students in grades 1–8 who are new to the District.

GRADUATION
TESTING

2. The testing requirements for graduation and the dates, times, and locations of testing.

Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The Superintendent shall also provide such notice for students in grades 7–12 who are new to the District. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

TESTING IN
GRADES 3–8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3 through 7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
2. Reading, annually in grades 3 through 8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;

5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

EXCEPTION

A student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an end-of-course assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011

ACCOMMODATIONS

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by the Board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

For a student receiving special education services, the student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP).

19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 C.F.R. 300.320(a)(6)

END-OF-COURSE
ASSESSMENTS

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

STUDENTS
ENROLLED BELOW
HIGH SCHOOL
LEVEL

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's course grade requirement [see IM-PACT ON GRADES, below] and assessment graduation requirements [see SATISFACTORY PERFORMANCE, below]. *19 TAC 101.3021(d)*

MINIMUM HIGH
SCHOOL PROGRAM

A student under the Minimum High School Program must take an EOC assessment for courses in which the student is enrolled and for which an EOC assessment is available.

If a student on the Minimum High School Program takes a course that is not specifically listed as a requirement of the Minimum High School Program, the student must take the applicable EOC assessment, and the student will have the option of using the assessment's score toward the student's cumulative score requirement.

If a student on the Minimum High School Program elects to take any of the following courses, the student has the option of using the EOC assessment score for that course toward the student's cumulative score requirement:

1. Algebra II in order to fulfill the mathematics credit requirements of the Minimum High School Program;
2. World History Studies or World Geography Studies in order to fulfill the social studies credit requirements of the Minimum High School Program; or
3. Chemistry or Physics as a substitute for Integrated Physics and Chemistry to fulfill the science credit requirements of the Minimum High School Program.

19 TAC 101.3022(a)(1)

RECOMMENDED OR
ADVANCED /
DISTINGUISHED
ACHIEVEMENT
HIGH SCHOOL
PROGRAM

A student in the Recommended or Advanced/Distinguished Achievement High School Program must take all 12 EOC assessments listed in Education Code 39.023(c) and meet the cumulative score requirement in each of the foundation content areas of English language arts, mathematics, science, and social studies.

To receive a diploma under the Recommended High School Program, a student must achieve satisfactory performance on the Algebra II and English III EOC assessments.

To receive a diploma under the Advanced/Distinguished Achievement High School Program, a student must achieve the advanced standard on the Algebra II and English III assessments.

The standard in place when a student first takes a mathematics or English EOC assessment is the standard that will be maintained throughout the student's school career for the content areas.

19 TAC 101.3022(a)(2)

EXCEPTIONS

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

If a student is not administered an EOC assessment as specified above, the cumulative score requirement for the student shall be modified accordingly. The student shall be administered the applicable EOC assessment during an administration upon request. The EOC assessment result may count toward the student's cumulative score only if the score is at or above the passing standard as set by the Commissioner.

If a student earned high school credit for Algebra II or English III prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district or a student completed Algebra II or English III for Texas high school credit prior to the 2011–12 spring administration, the requirement to achieve satisfactory performance or the advanced standard does not apply.

19 TAC 101.3021(e), .3022(a)(2), (b)(4)

SATISFACTORY
PERFORMANCE
CUMULATIVE
SCORE

In order to receive a Texas diploma, a student must achieve a cumulative score that is at least equal to the product of the number of EOC assessments taken in each foundation content area (English language arts, mathematics, science, and social studies) and a scale score that indicates satisfactory performance. The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career for that content area.

The cumulative score requirement for a student on the Minimum High School Program is based on the number of courses specifi-

cally listed as a requirement of the Minimum High School Program and for which an EOC assessment exists.

MINIMUM SCORE

For an EOC assessment score to count toward the cumulative score, the student must achieve at least the minimum performance level as set by the Commissioner. If a student's performance does not equal or exceed the minimum score, the student must retake the assessment.

19 TAC 101.3022(b)

ALTERNATIVE
METHODS FOR
EARNING CREDIT

A student is required to meet the EOC assessment graduation requirements to receive a Texas diploma if the student:

1. Is accelerated for an academic content area based on a result from an approved credit by examination for which there is an EOC assessment. If a student receives course credit by examination, the student shall be administered the appropriate EOC assessment, during the next administration of that assessment. The EOC assessment result will count toward the student's assessment graduation requirements. An EOC assessment cannot be used for purposes of credit by examination;
2. Is participating in a distance-learning or correspondence course for which there is an EOC assessment; or
3. Is participating in a dual-credit course for which there is an EOC assessment.

The 15 percent course grade requirement [see IMPACT ON GRADES, below] shall apply to a student participating in a distance-learning or correspondence course or a dual-credit course.

19 TAC 101.3021(b)

SPECIAL
EDUCATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011–12 school year shall

be administered an alternative version of an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP.

If a student who is receiving special education services is administered an alternative form of an EOC assessment, the 15 percent course grade requirement shall not be applied and a cumulative score shall not be reported.

If a student receiving special education services meets the participation requirements for an alternative form of an EOC assessment and is enrolled in a course for which there is an EOC assessment but no corresponding alternative version of that assessment, the student is not required to take an assessment for that course.

If a student is administered a general EOC assessment, the 15 percent course grade requirement shall apply and a cumulative score shall be reported for the student.

19 TAC 101.3023

IMPACT ON
GRADES

A student's performance on an EOC assessment instrument listed above must count for 15 percent of the student's final grade for the course. The District is not required to use a student's score on a subsequent retest administration to determine the student's final grade for that course. The 15 percent course grade requirement does not apply for the following:

1. A student receiving special education services who is administered an alternate assessment as specified by Education Code 39.023(b); and
2. An English language learner administered an English I or English II EOC assessment who meets the criteria specified in 19 Administrative Code 101.1007.

Education Code 39.023(c); 19 TAC 101.3021(c)

ADDITIONAL STATE
ASSESSMENTS

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments.
Education Code 39.023(c-2)

RETAKES

Each time an EOC assessment instrument is administered, a student who failed to achieve a minimum score shall retake the assessment instrument. [See SATISFACTORY PERFORMANCE, above]

A student who fails to perform satisfactorily on an Algebra II or English III EOC assessment instrument under the college readi-

ness performance standard, as provided under Education Code 39.024(b), may retake the assessment instrument.

Any other student may retake an EOC assessment instrument for any reason. The assessment result will count toward a student's cumulative score only if the assessment score is higher than the student's previous assessment score.

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved at least the minimum score on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(g), .3022(c)

REQUESTS TO TAKE
AN EOC
ASSESSMENT

If a student is not required to take an EOC assessment, he or she can request to be administered the EOC assessment for a course for which a student received credit. *19 TAC 101.3021(f)*

EXIT-LEVEL
ASSESSMENTS

Students who were first enrolled in grade 9 prior to the 2011–12 school year or enrolled in grade 10 or above in the 2011–12 school year must fulfill testing requirements for graduation with the assessments required by Education Code 39.023(c), as that section existed before amendment by Senate Bill 1031, 80th Texas Legislature, 2007, and in accordance with Commissioner's rules at 19 Administrative Code 101.3024. *19 TAC 101.3024(a)*

ALTERNATIVE
EXIT-LEVEL
ASSESSMENTS

An eligible student who has met the passing standard on a state-approved alternative assessment instrument, as set forth at 19 Administrative Code 101.4001, in a particular area has satisfied the exit-level testing requirement in that subject area.

A student is eligible to substitute an alternative exit-level assessment for a TAKS exit-level assessment if the student, after January 1 of the year in which the student would otherwise be eligible to graduate:

1. Enrolls in a public school in Texas for the first time; or
2. Enrolls in a public school in Texas after an absence of at least four years from any public school in the state. A student meets this requirement if the student has not been enrolled for one or more days in a public school in Texas in the four years preceding the date on which the student enrolls.

VERIFICATION OF
ELIGIBILITY

An eligible student is responsible for providing the District an official copy of the student's scores from the alternative assessment.

The District shall be responsible for verifying a student's eligibility for the alternative exit-level assessment. Upon receipt of official results of an approved alternative exit-level assessment, the District must:

1. Verify the student's score on the alternative assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

Education Code 39.025(d); 19 TAC 101.4001, .4003, .4005

REPORTING RESULTS
TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

TO THE BOARD

The Superintendent shall accurately report all test results with appropriate interpretations to the Board according to the schedule in the applicable test administration materials.

TO PARENTS AND
STUDENTS

The District shall notify each of its students and his or her parent or guardian of test results, observing confidentiality requirements stated at CONFIDENTIALITY, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. [See BQ series, FD, and FL]

19 TAC 101.3014; No Child Left Behind Act, 20 U.S.C. 6311(h)(6)

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. The District shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. The District may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

PARENTAL ACCESS

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

FURTHER
INSTRUCTION

ACCELERATED
INSTRUCTION

The District shall provide each student who fails to perform satisfactorily as determined by the Commissioner under Education Code 39.0241(a) on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. [See EHBC]

COLLEGE
PREPARATORY
COURSE

If the District determines that a student, on completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects prescribed by Education Code 39.025(a) [see SAT-ISFACTORY PERFORMANCE, above] for receiving a high school diploma, the District shall require the student to enroll in a corresponding content-area college preparatory course for which an EOC assessment instrument has been adopted, if available.

A student who enrolls in a college preparatory course shall be administered an EOC assessment instrument for the course, with the instrument scored on a scale as determined by the Commissioner not to exceed 20 percent of the cumulative score requirements required to graduate. A student may use the student's score on the EOC assessment instrument for the college preparatory course towards satisfying the cumulative score requirements.

Education Code 39.025(b-1)–(b-2)

SECURITY

To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, the District must comply with all of the applicable requirements specified in the test administration materials, which include general testing program information, requirements for ensuring test security and confidentiality described in the annual Test Security Supplement, procedures for test administration, responsibilities of personnel involved in test administration, and procedures for materials control.

Test coordinators and administrators must receive all applicable training as required in the test administration materials and the District must maintain records related to the security of assessment instruments for a minimum of five years.

19 TAC 101.3031

CONFIDENTIALITY

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

PENALTIES

Violation of security or confidentiality of any test is prohibited. A person who engages in conduct prohibited by the Test Security Supplement may be subject to sanction of credentials.

Procedures for maintaining the security and confidentiality of state assessments are specified in the Test Security Supplement and in the appropriate test administration materials. Conduct that violates the security and confidentiality of a test is defined as any departure from the test administration procedures established in the Test Security Supplement and other test administration materials. Conduct of this nature may include the following acts and omissions:

1. Viewing a test before, during, or after an assessment unless specifically authorized to do so;
2. Duplicating secure examination materials;
3. Disclosing the contents of any portion of a secure test;
4. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
5. Changing or altering a response or answer of an examinee to a secure test item or prompt;
6. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
7. Encouraging or assisting an individual to engage in the conduct described in the items listed above; or
8. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in the items listed above.

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidentiality, as well as any person who fails to report such a violation is subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication either for a set term or permanently.

Release or disclosure of confidential test content could result in criminal prosecution under Education Code 39.0303, Government Code 552.352, and Penal Code 37.10. The State Board for Educator Certification may take any of the above actions based on satis-

factory evidence that an educator has failed to cooperate with TEA in an investigation.

Any irregularities in test security or confidentiality may also result in the invalidation of student results.

The Superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests, and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 101.3031(b)(2), 249.15

Note: The terms English language learner and limited English proficient student are used interchangeably. *19 TAC 89.1203*

LANGUAGE
PROFICIENCY
ASSESSMENT
COMMITTEE (LPAC)

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA.

DOCUMENTATION

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005;
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005;
4. The reason for a postponement under 19 Administrative Code 101.1023; and
5. The reason for a LEP exemption under 19 Administrative Code 101.1025.

19 TAC 101.1003(b), (c), .1005(a), (c), .1023, .1025(b)

DEFINITIONS

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;

2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

"Inadequate schooling outside the United States" is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

ENGLISH LANGUAGE
PROFICIENCY TESTS

In kindergarten through grade 12, an English language learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

LIMITATIONS ON
EXEMPTIONS

FIRST YEAR AFTER
ENROLLMENT

A LEP student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of a LEP student. *Education Code 39.027(a)(1)*

SUBSEQUENT
YEARS

A LEP student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in

STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

EKBA
(LEGAL)

	<p>English to measure the student's academic progress in a valid, reliable manner.</p> <p><i>Education Code 39.027(a)(1)–(2), (a-1), (g)</i></p>
TESTING IN GRADES 3–8	<p>An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.</p>
SPANISH-VERSION ASSESSMENT	<p>A Spanish-speaking English language learner in grades 3–5 may be administered the state's Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student's academic progress.</p>
LINGUISTICALLY ACCOMMODATED ASSESSMENTS	<p>An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state's mathematics, science, or social studies assessment if:</p> <ol style="list-style-type: none">1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student's academic progress;2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see ENGLISH LANGUAGE PROFICIENCY TESTS]; and3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see DEFINITIONS].
EXEMPTION FOR ASYLEE OR REFUGEE	<p>An unschooled asylee or refugee who meets the criteria at SPANISH-VERSION ASSESSMENT and LINGUISTICALLY ACCOMMODATED ASSESSMENTS above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.</p> <p><i>19 TAC 101.1005(b), (c)</i></p>
REFUSAL OF SERVICES	<p>An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English language learners on the basis of limited English proficiency. <i>19 TAC 101.1005(f)</i></p>
END-OF-COURSE ASSESSMENTS	<p>An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except</p>

as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

ENGLISH I OR II

If an English language learner enrolled in English I or II or English for Speakers of Other Languages I or II has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see ENGLISH LANGUAGE PROFICIENCY TESTS] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see DEFINITIONS] for five school years or less, then he or she shall not be required to:

1. Use the assessment score as part of the cumulative score for graduation;
2. Retake the assessment each time it is administered if the student passes the course but fails to achieve the established minimum score on the assessment; or
3. Have the score on the assessment count for 15 percent of the student's final grade in the course. [See EKB]

19 TAC 101.1007(a), (b)

EXIT-LEVEL
ASSESSMENTS

Beginning with the 2011–12 school year, provisions related to exit-level assessments shall apply only to students first enrolled in grade 9 or higher prior to the 2011–12 school year, or first enrolled in grade 10 or higher in the 2011–12 school year. *19 TAC 101.1021*

POSTPONEMENT

English language learners are not eligible for an exemption from exit-level testing requirements for graduation on the basis of limited English proficiency. However, English language learners who are recent immigrants may be granted a postponement of the administration of the exit-level assessment during their first 12 months of enrollment in U.S. schools. A postponement is not permitted if a student would otherwise not be afforded the opportunity to take the exit-level assessments at least one time before the student's scheduled graduation date. The LPAC shall document the reason for the postponement in the student's permanent record file. *19 TAC 101.1023*

LIMITED LEP
EXEMPTIONS

Certain English language learners who have had inadequate schooling outside the United States may be eligible for a LEP ex-

emption from the assessment during a period not to exceed their first three school years of enrollment in U.S. schools. *19 TAC 101.1025(a)*

An English language learner who achieves a rating of advanced high on the state-administered English language proficiency assessment in reading during the student's first school year of enrollment in U.S. schools is not eligible for an exemption in the second or third school year of enrollment in U.S. schools. An English language learner who achieves a rating of advanced or advanced high on this assessment during the student's second school year of enrollment in U.S. schools is not eligible for an exemption in the third school year of enrollment in U.S. schools. *Education Code 39.027(e); 19 TAC 101.1025(a)(1)*

During the first school year of enrollment in U.S. schools, the student may be granted a LEP exemption if the LPAC determines that the student has not had the schooling outside the United States necessary to provide the foundation of learning that Texas schools require and measure on the assessment, whether the foundation be in knowledge of the English language or specific academic skills and concepts in the subjects assessed. *19 TAC 101.1025(a)(2)*

During the second and third school years of enrollment in U.S. schools, a student whose schooling outside the United States was inadequate may be granted a LEP exemption if the LPAC determines that the student lacks the academic language proficiency in English necessary for an assessment of academic skills in English to measure the student's academic progress in a valid, reliable manner. *19 TAC 101.1025(a)(3)*

FEDERAL
ACCOUNTABILITY
TESTING

Students exempted under these provisions shall be administered assessments in subjects and grades required by federal law and regulations in accordance with linguistically accommodated testing procedures delineated in the test administration materials. *19 TAC 101.1025(c)*

REFUSAL OF
SERVICES

An English language learner whose parent or guardian has declined bilingual/ESL services is not eligible for an exemption or an exit-level test postponement under 19 Administrative Code 101.1023. *19 TAC 101.1025(d)*

NON-LEP STUDENTS

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

EKBA
(LEGAL)

SPECIAL EDUCATION SELECTING ASSESSMENTS	<p>For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.</p> <p>The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).</p> <p><i>19 TAC 101.1005(a)</i></p>
ENGLISH LANGUAGE PROFICIENCY TESTS	<p>In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English language learner who receives special education services to participate in an English language proficiency assessment required above [see ENGLISH LANGUAGE PROFICIENCY TESTS] for reasons associated with the student's particular disability. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. <i>19 TAC 101.1003(b)</i></p> <p>In the case of an English language learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. <i>19 TAC 101.1003(c)</i></p>
ALTERNATIVE ASSESSMENT INSTRUMENTS	<p>In certain cases, an English language learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. <i>19 TAC 101.1005(b)</i></p> <p>An unschooled asylee or refugee who meets this criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. <i>19 TAC 101.1005(c)</i></p>
TESTING ACCOMMODATIONS	<p>The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. <i>19 TAC 101.1005(e)</i></p>
GRADE ADVANCEMENT REQUIREMENTS	<p>The LPAC shall determine appropriate assessment and accelerated instruction for an English language learner who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an English language learner shall make its decisions in consultation with a member of the student's LPAC. <i>19 TAC 101.2003(e)</i> [See EIE]</p>

ADMISSIONS

FD
(LEGAL)

GENERAL ELIGIBILITY The Board or its designee shall admit into the public schools of the District free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought, and may admit a person who is at least 21 and under 26 for the purpose of completing the requirements for a high school diploma, if any of the following conditions exist:

STUDENT AND PARENT

1. The person and either parent reside in the District.

CONSERVATOR

2. The person does not reside in the District, but one of the parents resides in the District and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

GUARDIAN OR PERSON HAVING LAWFUL CONTROL

3. The person and his or her guardian or other person having lawful control under an order of a court reside in the District.

STUDENTS LIVING SEPARATE AND APART

4. The person is under the age of 18 and has established a separate residence in the District apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the District is not for the primary purpose of participation in extracurricular activities. The Board is not required to admit such person, however, if the person has:

- a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;
- b. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or
- c. Been convicted of a criminal offense and is on probation or other conditional release.

Education Code 25.001(a)-(b), (d)

HOMELESS STUDENTS

5. The person is a homeless child. [See also FDC]
- a. A child is "homeless," under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:
 - (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in

emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

- (2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (4) Migratory children living in circumstances described above.

“Migratory child” means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work:

- (a) Has moved from one school district to another; or
 - (b) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.
- b. A child is homeless, under state law, regardless of the residence of the child, either parent, or the child’s guardian or other person having lawful control, if:
- (1) The child lacks a fixed, regular, and adequate nighttime residence; or
 - (2) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education Code 25.001(b); 20 U.S.C. 6399; 42 U.S.C. 11434a

ADMISSIONS

FD
(LEGAL)

FOREIGN
EXCHANGE
STUDENTS

6. The person is a foreign exchange student placed with a host family that resides in the District by a nationally recognized foreign exchange program, unless the District has applied for and been granted a waiver by the Commissioner because:
 - a. This requirement would impose a financial or staffing hardship on the District;
 - b. The admission would diminish the District's ability to provide high quality education services for the District's domestic students; or
 - c. The admission would require domestic students to compete with foreign exchange students for educational resources.

Education Code 25.001(b)(6), (e)

STUDENTS IN
RESIDENTIAL
FACILITY

7. The person resides at a residential facility, as defined in Education Code 5.001, located in the District. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*

STUDENTS
OVER 18

8. The person resides in the District and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*

RESIDENT
GRANDPARENT

9. The person does not reside in the District but the grandparent of the person:
 - a. Resides in the District; and
 - b. Provides a substantial amount of after-school care for the person as determined by the Board.

Education Code 25.001(b)(9)

PROOF OF ELIGIBILITY

The District may require evidence that a person is eligible to attend the public schools of the District at the time it considers an application for admission of the person. The Board or its designee shall establish minimum proof of residency acceptable to the District. The Board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under item 4 above, the Board shall determine whether an applicant qualifies as a resident of the District and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*

The District may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

IMMIGRATION STATUS Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Plyler v. Doe*, 457 U.S. 202 (1982)

HIGH SCHOOL EQUIVALENCY CERTIFICATE A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

SUBSTITUTE FOR PARENT OR GUARDIAN The Board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

AUTHORIZATION AGREEMENT A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with the child's grandparent, adult sibling, or adult aunt or uncle to authorize the relative to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
2. Enrolling the child in the District; and
3. Authorizing the child to participate in age-appropriate extra-curricular, civic, social, or recreational activities, including athletic activities.

A parent may also enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of abuse or neglect or while the department is providing services to the parent.

The authorization agreement must conform to the requirements of Family Code Chapter 34.

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect.

IMMUNITY

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34.

Family Code 34.001–.009

Note: The Authorization Agreement for Nonparent Relative is available at <http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf>.

STUDENTS IN FOSTER CARE

A student placed in foster care by an agency of the state or a political subdivision, and whose foster parents reside in the District, shall be permitted to attend District schools free of any charge to the foster parents or to the agency. No durational residency requirement shall be used to prohibit such a student from fully participating in all activities sponsored by the District. *Education Code 25.001(f)*

A student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care by the Department of Human Services at a residence outside the attendance area for the school or outside the District is entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition. *Education Code 25.001(g)*

The appropriate state agency shall coordinate with the District to ensure that the case plan for a student placed in foster care contains a plan for ensuring the educational stability of the child while in foster care, including ensuring that the child remains in the school in which the child is enrolled at the time of each placement, or if remaining in that school is not in the best interests of the child, providing immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school. *42 U.S.C. 675(1)(G)*

TRANSFERS FROM OTHER STATES

The District shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the Commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to the District. *Education Code 25.003*

ADMISSIONS

FD
(LEGAL)

TEXAS JUVENILE
JUSTICE
DEPARTMENT

A school-age child of an employee of the Texas Juvenile Justice Department (TJJD) residing in an adjacent district may attend school in the District free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TJJD facility. *Education Code 25.042*

ENROLLMENT

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. The District shall record the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

LEGAL SURNAME

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

REQUIRED
DOCUMENTATION

If a parent or other person with legal control of a child enrolls the child in a District school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the District all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner of Education in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.

3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a); 19 TAC 129.1(a)–(b)

The District must furnish information under items 1 and 2 not later than the tenth working day after the date the District receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

If a parent or other person with legal control of a child under a court order requests that the District transfer a child's student records, the District to which the request is made shall notify the parent or

other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1)

FOOD ALLERGY
INFORMATION

On enrollment, the District shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the District to enable the District to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The District shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with District policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

"Severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Education Code 25.0022(a)-(c)

CHILD IN DFPS
POSSESSION

The District shall enroll a child without the required documentation if the DFPS has taken possession of the child. DFPS shall ensure that the required documentation is furnished to the District not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

INCONSISTENT
DOCUMENTATION

If a child is enrolled under a name other than the name that appears in the identifying documents or records, the District shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

MISSING
DOCUMENTATION

If the required documents and other records are not furnished to the District within 30 days after enrollment, the District shall notify the police department of the city or the sheriff's department of the county in which the District is located and request a determination of whether the child has been reported as missing.

Education Code 25.002(b)-(c)

STUDENTS UNDER 11

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;
2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and
3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:
 - a. A certified copy of the child's birth certificate; or
 - b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

FALSE INFORMATION

When accepting a child for enrollment, the District shall inform the parent or other person enrolling the child that presenting a false document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in the District is liable to the District if the student is not eligible for enrollment, but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee the District may charge [see FDA] or the amount the District has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

The District may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

ADMISSIONS

FD
(LEGAL)

PLACEMENT OF
TRANSFERS
CREDITS AND
RECORDS

The District shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at the District's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

The District shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in TJJD educational programs. *Education Code 30.104*

The District shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a District school. *Education Code 37.001(d)*

NONPUBLIC
SCHOOLS

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. The District may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

FOUNDATION SCHOOL
PROGRAM

A person is entitled to the benefits of the available school fund for a school year if:

1. On September 1 of the year, the person is at least five years of age and under 21 years of age, and has not graduated from high school.
2. On September 1 of the year, the person is at least 21 years of age and under 26 years of age and is admitted by the District to complete the requirements for a high school diploma.
3. The person is enrolled in prekindergarten under Education Code 29.153 [see EHBG].
4. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and the District has adopted a policy to admit students younger than five years of age.
5. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

Education Code 25.001(a), 42.003

ADMISSIONS

FD
(LEGAL)

SCREENING

The principal of each District school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and a risk assessment for Type 2 diabetes, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]

PEST CONTROL
INFORMATION

At the time a student is registered, District personnel shall inform parents, guardians, or managing conservators that the school periodically applies pesticides indoors and that information on the application of pesticides is available on request. *Occupations Code 1951.455* [See CLB]

WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

FFAB
(LEGAL)

IMMUNIZATION
REQUIREMENTS

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Department of State Health Services (TDSHS) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*

TDSHS requires students in kindergarten through twelfth grade to have the following additional vaccines, according to the immunization schedules set forth in department regulations: pertussis, hepatitis B, hepatitis A (for students attending schools in high incidence geographic areas as designated by the department), and varicella (chickenpox).

TDSHS requires students in seventh through twelfth grade to have the meningococcal vaccine, according to the immunization schedules set forth in department regulations.

25 TAC 97.63(2)(B)

Note: For immunization requirements, see TDSHS's Web site at <http://www.dshs.state.tx.us/immunize/school/default.shtm#requirements>. For TDSHS's recommended immunization schedule, see http://www.dshs.state.tx.us/immunize/Schedule/schedule_child.shtm.

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72*

IMMUNIZATION
AWARENESS
PROGRAM

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

1. A list, in English and Spanish, of:
 - a. The immunizations required by TDSHS for admission to public school;
 - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
 - c. Health clinics in the District that offer the influenza vaccine, to the extent those clinics are known to the District; and
2. A link to the TDSHS Internet Web site where a person may obtain information relating to the procedures for claiming an

exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Education Code 38.0181

APPLICABILITY

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to the District. *25 TAC 97.61(a)*

EXCEPTIONS

Immunization is not required for admission to the District:

1. If the student submits to the admitting official:

MEDICAL
REASONS

a. An affidavit or a certificate signed by the student's physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student.

The affidavit or certificate must state that, in the physician's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

or

REASONS OF
CONSCIENCE

b. An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

or

MILITARY DUTY

2. If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d)(2), .0041; 25 TAC 97.62

WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

FFAB
(LEGAL)

PROVISIONAL ADMISSION	A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.
COMPLETION OF VACCINATIONS	To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccination series on schedule and provide acceptable evidence of vaccination to the District.
REVIEW OF STATUS	A school nurse or school administrator shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and the District will exclude the student from school attendance until the required dose is administered.
HOMELESS STUDENT	A student who is homeless, as defined in the McKinney-Vento Homeless Education Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to appropriate public health programs to obtain the required vaccinations. [See FD and FDC]
TRANSFER STUDENTS	A student can be enrolled provisionally for no more than 30 days if he or she transfers from one Texas school to another, and is awaiting the transfer of the immunization record.
MILITARY DEPENDENTS	<p>A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. [See FDD]</p> <p>The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law.</p> <p><i>Education Code 38.001(e), 162.002 art. IV, § C; 25 TAC 97.66, .69; Atty. Gen. Op. GA-178 (2004)</i></p>
EVIDENCE OF IMMUNIZATION	<p>A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to the District. 25 TAC 97.63(2)</p> <p>Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:</p>

WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

FFAB
(LEGAL)

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel;
2. An official immunization record generated from a state or local health authority, such as a registry; or
3. A record received from school officials including a record from another state.

25 TAC 97.68

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection.

A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. [See the form on TDSHS's Web site at www.dshs.state.tx.us/immunize/docs/c-9.pdf].

25 TAC 97.65

IMMUNIZATION
RECORDS

Not later than the 30th day after a parent or other person with legal control of a student under a court order enrolls the student in the District, the parent or other person, or the District in which the student most recently attended school, shall furnish to the District a record showing that the student has the required immunizations. *Education Code 25.002(a)(3), (a-1)*

Each district shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit to be completed. The records shall be open for inspection at all reasonable times by TEA, local health departments, or the TDSHS. *Education Code 38.002(a); 25 TAC 97.67*

TRANSFER OF
RECORDS

Each district shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b)*

ANNUAL REPORT

The District shall submit annual reports of the immunization status of students, in a format prescribed by TDSHS, to monitor compliance with immunization requirements. All districts shall submit the

report at the time and in the manner indicated in the instructions printed on the form. *Education Code 38.002(c); 25 TAC 97.71*

CONSENT TO
IMMUNIZATION

In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:

1. A guardian of the child; and
2. A person authorized under the law of another state or a court order to consent for the child.

Family Code 32.101(a)

The district in which the child is enrolled may give consent to the immunization if:

1. The persons listed above are not available; and
2. The district has written authorization to consent from a person listed above.

Family Code 32.101(b)(5)

The District may not consent for the child if it has actual knowledge that a person listed above has:

1. Expressly refused to give consent to the immunization;
2. Been told not to consent for the child; or
3. Withdrawn a prior written authorization for the District to consent.

Family Code 32.101(c)

DUTY TO PROVIDE
INFORMATION

A district that consents to immunization of a child shall provide the health-care provider with sufficient and accurate health history and other information as set forth in Family Code 32.101(e).

FORM OF CONSENT

Consent to immunization must meet the requirements of Family Code 32.002(a). [See FFAC] The District has the responsibility to ensure that the consent, if given, is an informed consent. The District is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

Family Code 32.101(f), .102

LIABILITY

A district consenting to immunization of a child is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from the district's own acts of negligence. *Family Code 32.103*

WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

FFAD
(LEGAL)

REPORTS

School authorities, including the Superintendent, principal, teacher, school health official, or counselor, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Department of State Health Services (TDSHS). If there is no local health authority appointed or if the District is outside the jurisdiction of a local health authority, the report shall be made to the regional director. *25 TAC 97.2(d), .5(a); Health and Safety Code 81.041-.042*

SEXUALLY
TRANSMITTED
DISEASES AND HIV

A local school authority shall report a child attending school who is suspected, based on medical evidence, of having a sexually transmitted disease (STD) and/or is an HIV-exposed infant in accordance with 25 Administrative Code 97.132-.134. If the local school authority, or an individual listed under 25 Administrative Code 97.132(1), (3), or (4), does not make the required report, an individual listed under 25 Administrative Code 97.132(2), including a professional nurse, a health professional, a peace officer, and a parent or guardian, must report a person who has or is suspected of having an STD and/or is an HIV-exposed infant. *25 TAC 97.5(a)(3), .132(2), (5)* [See FFG(LEGAL) regarding reports to the Department of Family and Protective Services]

“School authority” means the Superintendent or the Superintendent’s designee. *Health and Safety Code 81.003(10)*

PENALTIES

A person commits a Class B misdemeanor if the person knowingly fails to report a reportable disease or health condition under Health and Safety Code Chapter 81, Subchapter B. *Health and Safety Code 81.049*

EXCLUSION

COMMUNICABLE
CONDITION
DEFINED BY RULE

A principal shall exclude from attendance any child having or suspected of having a communicable condition listed in 25 Administrative Code 97.7(a) until the readmission criteria for the condition are met. *25 TAC 97.7(a)*

COMMUNICABLE
DISEASE
DESIGNATED BY
COMMISSIONER

A principal shall exclude from attendance any child having or suspected of having a communicable disease designated by the commissioner of health as cause for exclusion. Any child excluded for reason of communicable disease may be readmitted, as determined by the health authority, by:

1. Submitting a certificate of the attending physician, advanced practice nurse, or physician assistant attesting that the child does not currently have signs or symptoms of a communicable disease or to the disease’s non-communicability in a school setting;

2. Submitting a permit for readmission issued by a local health authority; or
3. Meeting readmission criteria as established by the commissioner.

25 TAC 97.7(b)-(c)

Note: The TDSHS Recommendations for the Prevention and Control of Communicable Diseases in a Group-Care Setting, including the Communicable Disease Chart for Schools and Child-Care Centers, detailing symptoms and treatment information regarding several diseases, as well as exclusion and readmission criteria, is available at http://www.dshs.state.tx.us/idcu/health/schools_childcare/.

BACTERIAL
MENINGITIS

TEA shall prescribe procedures by which each district shall provide information relating to bacterial meningitis to its students and their parents each school year. The procedures must ensure that the information is reasonably likely to come to the attention of the parents of each student. The agency shall prescribe the form and content of the information.

With the written consent of TEA, the District may provide the information to its students and their parents by a method different from the method prescribed by the agency if the agency determines that method would be effective in bringing the information to the attention of the parents of each student.

Education Code 38.0025

STUDENT RECORDS

FL
(LEGAL)

This introductory page outlines the contents of the student records policy. See the following sections for statutory provisions on:

SECTION I	Education Records	pages 2–4
	<ol style="list-style-type: none">1. Definition of ‘education records’2. Screening records3. Immunization records4. Medical records5. Food allergy information6. Assessment instruments7. Academic achievement record8. Enrollment records	
SECTION II	Access, Disclosure, and Amendment	pages 5–17
	<ol style="list-style-type: none">1. Access to education records2. Information collection3. Subpoenaed and sex offender records4. Request procedure5. Destruction of requested records6. De-identified records, authenticating requestors’ identities7. Transfer by third parties to other persons8. Record of access to student records9. Right to amend records10. Fees for copies11. Records of students with disabilities12. Annual notification of rights	
SECTION III	Directory Information	pages 17–20
	<ol style="list-style-type: none">1. Definition and disclosure of directory information2. Designation of directory information3. Annual notice, contents4. Student recruiting information, parental consent to release	
SECTION IV	Videotapes and Recordings	pages 20–21
	<ol style="list-style-type: none">1. Parental consent2. Exceptions to consent	
SECTION V	Information from Law Enforcement	pages 21–23
	<ol style="list-style-type: none">1. Criminal records2. Duty to flag records of missing children	

SECTION I: EDUCATION RECORDS

'EDUCATION
RECORDS' DEFINED

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that are created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
2. Records made by District personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

SCREENING
RECORDS

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office

STUDENT RECORDS

FL
(LEGAL)

may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS. *20 U.S.C. 1232g; Health & Safety Code 36.006, 37.003, 95.004; 25 TAC 37.148(o)* [See FFAA]

IMMUNIZATION RECORDS

The District shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. The District shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student's medical records maintained by the District. On request of a student's parent or guardian, the District shall provide a copy of the student's medical records to the parent or guardian. The District may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBA]. *Education Code 38.0095*

PRIVACY RULE FOR NON-EDUCATION RECORDS'

To the extent the District is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the District must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501* [See CRD]

FOOD ALLERGY INFORMATION

Information regarding a child's food allergy, regardless of how it is received by the school or District, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the District.

EXCEPTIONS

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the District.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the District, including a notation that the child's student records indicate that a parent has notified the District of the child's possible food allergy.

Education Code 25.0022(d)-(f)

STUDENT RECORDS

FL
(LEGAL)

ASSESSMENT
INSTRUMENTS

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the District are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and District, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

ACADEMIC
ACHIEVEMENT
RECORD (GRADES
9-12)

The District shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by the District. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. The District shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.14(b)* [See EI]

ENROLLMENT
RECORDS

If a parent or other person with legal control of a child enrolls the child in a District school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the District all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Education Code 25.002(a)

The District must furnish information under items 1 and 2 not later than the tenth working day after the date the District receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that the District transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1) [See FD]

SECTION II: ACCESS, DISCLOSURE, AND AMENDMENT

ACCESS TO
EDUCATION RECORDS

DEFINITIONS

'ATTENDANCE'

"Attendance" includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

'DISCLOSURE'

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

'PARENT'

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

'PERSONALLY
IDENTIFIABLE
INFORMATION'

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

'RECORD'

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

'AUTHORIZED
REPRESENTATIVE'

"Authorized representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

'EDUCATION
PROGRAM'

"Education program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

34 C.F.R. 99.3

'SIGNED AND
DATED WRITTEN
CONSENT'

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

ACCESS BY
PARENTS

Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. *34 C.F.R. 99.10, .31(a)(8)*

The District shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

34 C.F.R. 99.4; Family Code 153.012, .073

A parent is entitled to access to all written records of the District concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and counselor evaluations, and reports of behavioral patterns. *Education Code 26.004*

STUDENT RECORDS

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ACCESS BY
STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents the District from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed. *34 C.F.R. 99.12(a)*

ACCESS BY OTHER
PERSONS

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

SCHOOL
OFFICIALS

1. School officials, including teachers, who have legitimate educational interests. An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the District for reasons determined in District policy.

A contractor, consultant, volunteer, or other party to whom the District has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

- a. Performs an institutional service or function for which the District would otherwise use employees;
- b. Is under the direct control of the District with respect to the use and maintenance of education records; and
- c. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

The District must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in

STUDENT RECORDS

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compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31, .36; Education Code 38.009

OFFICIALS OF
OTHER SCHOOLS

2. Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that the District either:
 - a. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
 - b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

In either case, the District shall furnish a copy of the transferred records to the parent if requested and shall give the parent an opportunity for a hearing to challenge the content of the record.

34 C.F.R. 99.34

AUTHORIZED
GOVERNMENTAL
REPRESENTATIVES

3. Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35*

The District may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. The District is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3, or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h)*

FINANCIAL AID
PERSONNEL

4. Personnel involved with a student's application for, or receipt of, financial aid.

JUVENILE
JUSTICE
OFFICIALS

5. State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

- a. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
- b. The officials and authorities to whom such information is disclosed certify in writing to the District that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

The Superintendent or the Superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC].

Education Code 37.084(a)

ORGANIZATIONS
CONDUCTING
STUDIES

6. Organizations conducting studies for, or on behalf of, the District for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The District must enter into a written agreement with the organization that:

- a. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
- b. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
- c. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
- d. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was con-

ducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the District in accordance with the requirements of 34 C.F.R. 99.33(b).

The District is not required to initiate a study or agree with or endorse the conclusions or results of the study.

ACCREDITING
ORGANIZATIONS

7. Accrediting organizations that require the information for purposes of accreditation.

HEALTH &
SAFETY
EMERGENCY

8. Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

In making a determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the United States Department of Education will not substitute its judgment for that of the District in evaluating the circumstances and making its determination.

34 C.F.R. 99.36

SECRETARY OF
AGRICULTURE

9. The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. 1232g(b)(1)(K)*

STATE OR LOCAL
CHILD WELFARE
AGENCY

10. An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the

agency to receive the disclosure. Any subsequent disclosure must be consistent with state laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*

DIRECTORY
INFORMATION

11. Any person requesting directory information after the District has given public notice of that definition. *34 C.F.R. 99.37*

20 U.S.C. 1232g(b); 34 C.F.R. 99.31

WRITTEN
CONSENT

The parent shall provide a signed and dated written consent before the District discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. *34 C.F.R. 99.30*

INFORMATION
COLLECTION

U.S. DOE FUNDED
SURVEYS

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

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INFORMATION COLLECTION FUNDED BY OTHER SOURCES	Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, the District shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). <i>20 U.S.C. 1232h(c)(1)–(4)</i> [See EF]
SUBPOENAED RECORDS	The District shall release student records to an entity or persons designated in a subpoena. The District shall not disclose to any person the existence or contents of the subpoena if a court orders the District to refrain from such disclosure. Unless the court or other issuing agency orders the District to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, the District shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. <i>20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9)</i>
SEX OFFENDERS	The District may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the District under 42 U.S.C. 14071 and applicable federal guidelines. <i>34 C.F.R. 99.31(a)(16)</i>
REQUEST PROCEDURE	Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The District shall respond to reasonable requests for explanations and interpretations of the records. <i>34 C.F.R. 99.10</i>
DESTRUCTION OF RECORDS	The District shall not destroy any education records if there is an outstanding request to inspect and review the records. <i>34 C.F.R. 99.10(e)</i>
DE-IDENTIFIED RECORDS	The District, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the District or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

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EDUCATION
RESEARCH

The District, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. The District or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

AUTHENTICATING
REQUESTORS'
IDENTITIES

The District must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

34 C.F.R. 99.31(b)-(c)

TRANSFER NOT
PERMITTED

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, the District shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

The District shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)-(d)*

The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the District if:

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and
2. The District has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

RECORD OF ACCESS
TO STUDENT
RECORDS

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. The District must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

The District must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see HEALTH & SAFETY EMERGENCY, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the District disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

20 U.S.C. 1232g(b)(4)(A)

The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving

records in accordance with a subpoena or ex parte order.
34 C.F.R. 99.32(d)

RIGHT TO AMEND
RECORDS

The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If the District decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

34 C.F.R. 99.20-.21

FEEES FOR COPIES

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

RECORDS OF
STUDENTS WITH
DISABILITIES

The District shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.
34 C.F.R. 300.613(a)

ACCESS RIGHTS

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect District records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*
2. The District shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*

STUDENT RECORDS

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3. The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.
34 C.F.R. 300.614

LIST OF TYPES AND LOCATIONS OF INFORMATION

The District shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

PARENTAL CONSENT

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. The District may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

CONFIDENTIALITY

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in the District shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The District shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

DESTRUCTION OF INFORMATION

The District shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

ANNUAL NOTIFICATION OF RIGHTS

The District shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;

2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the District to comply with the requirements of the Act and 34 C.F.R. part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the District has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The District may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

The District shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

SECTION III: DIRECTORY INFORMATION

DIRECTORY
INFORMATION
DEFINITION

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or
2. Student identification (ID) number, unless:

- a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or
- b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

DISCLOSURE OF
DIRECTORY
INFORMATION

The District may release directory information if it has given public notice of:

- 1. The types of personally identifiable information that it has designated as directory information.
- 2. The right of the parent to refuse to permit the District to designate any or all of that information about the student as directory information.
- 3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

IN CLASS

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent the District from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

FORMER
STUDENTS

The District may disclose directory information about former students without satisfying the public notice conditions above. However, the District must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

CONFIRMATION
OF IDENTITY OR
RECORDS

The District may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37

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DESIGNATION OF
DIRECTORY
INFORMATION

The District may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by the District as directory information for that District is excepted from disclosure by the District under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or District publication, if any such purpose has been designated by the District, remains otherwise confidential and may not be released under Government Code Chapter 552.

ANNUAL NOTICE

The District shall provide the following to the parent of each District student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and
2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

CONTENTS OF
NOTICE

The notice must contain:

1. The following statement in boldface type that is 14-point or larger:

“Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of District] to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by [insert date]. [Insert name of District] has designated the following information as directory information: [Here the District must include any directory information it chooses to designate as directory information for the District, such as a student’s name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]”;
2. A form, such as a check-off list or similar mechanism, that:
 - a. Immediately follows, on the same page or the next page, the required statement; and

- b. Allows a parent to record:
 - (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if District policy permits the parent to object to one or more specific categories of directory information;
 - (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and
 - (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the District and is specifically identified, such as for a student directory, student yearbook, or District publication; and
- 3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the District that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

STUDENT
RECRUITING
INFORMATION

Notwithstanding the DIRECTORY INFORMATION provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

CONSENT TO
RELEASE

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described above not be released without prior written parental consent, and the District shall notify parents of the option to make a request and shall comply with any request.

20 U.S.C. 7908

SECTION IV: VIDEOTAPES AND RECORDINGS

VIDEOTAPES AND
RECORDINGS

A District employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a

videotape of a child or record or authorize the recording of a child's voice.

EXCEPTIONS

A District employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction; or
4. Media coverage of the school.

Education Code 26.009 [See EHA, FM, and FO]

SECTION V: INFORMATION FROM LAW ENFORCEMENT

INFORMATION FROM
LAW ENFORCEMENT

ORAL NOTICE OF
ARREST OR
REFERRAL

Upon receipt of oral notice from the head of a law enforcement agency or designee that the law enforcement agency has arrested a student or referred a student to the juvenile board for a specified offense [see GRAA], the Superintendent shall immediately notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

WRITTEN NOTICE
OF ARREST OR
REFERRAL

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee shall send the information in the confidential notice to a District employee having direct supervisory responsibility over the student.

ORAL NOTICE OF
CONVICTION OR
ADJUDICATION

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

NOTICE OF
TRANSFER OR
REENROLLMENT

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent of the District to which the student transfers or returns shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

CONTENTS OF
NOTICE

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct;
or
3. Weapons possessed during the commission of the offense or conduct.

Code of Criminal Procedure 15.27(a)–(c), (k)

Information received by the District under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. The District shall destroy the information at the end of the academic year in which the report was filed. *Education Code 37.017*

DUTY TO FLAG
RECORDS

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

REQUEST IN
PERSON

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the

requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REQUEST IN
WRITING

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REMOVAL OF FLAG

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearinghouse. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearinghouse that the flag has been removed.

Code of Criminal Procedure 63.020-.022

