

Update 100 contains (LOCAL) policies that require board action before we can incorporate Update 100 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.

225907 Harts Bluff 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 100 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 100 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, Jen Cooper, may contact you about these policies, if necessary.

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

Update 100

Policy On Line® Adoption Notification Form

TASB Policy Service

Fax: 512-467-3618



Localized Policy Manual

Update 100

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.

Harts Bluff ISD

Update 100 addresses several recent amendments to the Texas Administrative Code. Major topics affected by the rule changes include performance reports, delayed payment options for instructional materials, and credit-by-examination with prior instruction. Other changes address legal options for security personnel, district- and campus-improvement plans, employee health and life insurance, staff development, and public information. Update 100 also includes several local policy topics, such as school security personnel, records management, employee health insurance, employment contracts, advertising, student records, and revocation of student transfers.

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 100 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 100 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 100 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, Jen Cooper, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 100 . . .

- Board action on Localized Update 100 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 100, 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 100, 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 100 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 100 [with the following changes:]”
- The board’s action on Localized Update 100 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. You will need to notify us of the board’s action on Update 100 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 100 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 100 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 100

District Harts Bluff ISD

Code	Action To Be Taken	Note
AIB (LEGAL)	Replace policy	Revised policy
BQA (LEGAL)	Replace policy	Revised policy
CKE (LEGAL)	ADD policy	See explanatory note
CMD (LEGAL)	Replace policy	Revised policy
CPC (LEGAL)	Replace policy	Revised policy
CPC (LOCAL)	Replace policy	Revised policy
CRD (LEGAL)	Replace policy	Revised policy
CRD (LOCAL)	Replace policy	Revised policy
DCB (LOCAL)	Replace policy	Revised policy
DCD (LOCAL)	Replace policy	Revised policy
DCE (LOCAL)	Replace policy	Revised policy
DEB (LEGAL)	ADD policy	See explanatory note
DECB (LEGAL)	Replace policy	Revised policy
DMA (LEGAL)	Replace policy	Revised policy
EHDB (LEGAL)	Replace policy	Revised policy
FDA (LOCAL)	Replace policy	Revised policy
FEA (LEGAL)	Replace policy	Revised policy
FL (LOCAL)	Replace policy	Revised policy
GB (LEGAL)	ADD policy	See explanatory note
GBA (LEGAL)	Replace policy	Revised policy
GBAA (LEGAL)	Replace policy	Revised policy
GBAA (LOCAL)	ADD policy	See explanatory note
GKA (LEGAL)	Replace policy	Revised policy
GKB (LOCAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 100

District: Harts Bluff ISD
AIB (LEGAL) ACCOUNTABILITY
PERFORMANCE REPORTING

Changes throughout this policy are prompted by revised Commissioner rules, effective March 13, 2014. At DISTRICT PERFORMANCE REPORT, we have added a reference to the Texas Academic Performance Report (TAPR), which replaced the previous Academic Excellence Indicator System (AEIS) report, and deleted the list of required data elements in the report, since TEA is responsible for creating the reports.

The amended rules clarify that the PUBLIC HEARING on the TAPR must occur within 90 days after the district receives the report and may occur at a regular or special board meeting. Within two weeks of the public hearing, the district must publish the TAPR on its website and in other public places, such as each school office, local businesses, and public libraries. (See PUBLICATION on page 2.)

At CAMPUS PERFORMANCE REPORT, we have added detail from existing Commissioner rules about the school report card (SRC), including timelines for distributing the report to parents, and a new provision from the amended rules permitting the district to send the SRC to parents by e-mail.

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

HB 2012 from the 83rd Texas Legislature, Regular Session, requires the Commissioner to develop an online survey regarding teaching and learning conditions to be administered biennially to district professional staff. As reflected at DISTRICT/CAMPUS PLAN on page 2, each district must use the results to review and revise the district/campus improvement plan and, as otherwise appropriate, to enhance the district learning environment. Please be aware that the requirement to review and revise the district/campus improvement plan based on the survey results applies for the 2014–15 school year.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL

This legally referenced policy on security personnel is recommended for inclusion in the district's policy manual to reflect common security options available to the district. The table of contents shows the major topics addressed in the policy, including district peace officers and security personnel, school marshals, concealed handgun licensees, and school resource officers.

Please note: Because Update 100 addresses security personnel, it is a good time to confirm appropriate local policy provisions for those districts that authorize employees other than commissioned peace officers to possess firearms. If your district has adopted this practice, relevant policy should be at CKC(LOCAL). Please contact your policy consultant if you need adjustments to policy.

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

Amendments to Commissioner rules on the instructional materials allotment (IMA), effective May 12, 2014, resulted in several changes to this legally referenced policy:

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- At DELAYED PUBLISHER PAYMENT OPTION beginning on page 1, additional detail has been added regarding the option for a district to requisition and receive materials before IMA funds are available. Publishers may not selectively decline to accept orders with delayed payments; a decision to decline an order will apply to all of the publisher's orders with delayed payments.
- The rules clarify that the amount of funding for HIGH-ENROLLMENT GROWTH will be allocated based on available IMA funds. See pages 2–3.
- Provisions regarding PERMITTED EXPENDITURES and PROHIBITED EXPENDITURES, beginning on page 3, have been revised. IMA funds may be used to purchase instructional materials for college preparatory courses, but may not be used for items not directly related to instruction, such as nontechnological equipment.
- As reflected on page 6, to obtain REIMBURSEMENTS OF IMA EXPENDITURES, districts must meet the criteria and follow the process established by TEA.
- Provisions have been updated to reflect the rules' change in terminology from "Braille and large-type materials" to "specialized instructional material formats." See SPECIALIZED INSTRUCTIONAL MATERIAL FORMATS on page 6.
- A new methodology for calculating IMA for BILINGUAL INSTRUCTIONAL MATERIALS has been included on page 7.

CPC (LEGAL) OFFICE MANAGEMENT
RECORDS MANAGEMENT

We have added on page 2 of this legally referenced policy on records management existing statutory provisions on designating the RECORDS MANAGEMENT OFFICER (RMO). The provisions explain that the board must designate the RMO, and the name, office, or position of the RMO must be filed with the Texas State Library and Archives Commission within 30 days.

For most districts, CPC(LOCAL) gives the superintendent oversight authority of the district's records management functions, but if the board wishes to specifically designate another individual as the records management officer, a sample resolution for this purpose is available in the *TASB Regulations Resource Manual*, available in the Policy Service Resource Library on myTASB.

CPC (LOCAL) OFFICE MANAGEMENT
RECORDS MANAGEMENT

The statutory reference to the law addressing officers for public information has been updated in this local policy.

Explanatory Notes

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CRD (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

In reviewing this legally referenced policy on health and life insurance in light of the Affordable Care Act, we have made extensive revisions. Text has been streamlined and revised to better match statutory authority. We have added detail at COVERAGE REQUIREMENTS and revised definitions to assist districts in determining whether employees are FULL-TIME or PART-TIME. An existing statutory provision has been added on page 3 to explain that each year an employee shall make a WRITTEN ELECTION whether to designate a portion of the employee's compensation to be used as health-care supplementation.

CRD (LOCAL) INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

Recommended deletions provide flexibility for the district to determine contributions to health insurance premiums based on TRS membership, rather than part-time or full-time status. This change is more consistent with state law, which requires districts to contribute to the health insurance premiums of only those employees who are active, contributing TRS members.

DCB (LOCAL) EMPLOYMENT PRACTICES
TERM CONTRACTS

To ensure that the district provides term contracts as required by law, this local policy includes the comprehensive list of positions required by law to receive term contracts. Any district employee in one of the listed positions who has served the probationary contract period required by the district shall be given a term contract.

Any employees in positions for which the district requires current SBEC certification are also entitled to term contracts.

According to the district's responses to the Policy Service survey sent in June 2014, the district has chosen to give Chapter 21 term contracts to employees working in positions for which neither SBEC nor the district requires certification. See NO CERTIFICATION REQUIRED. The list of positions in the policy is based on the district's survey responses. **Please note that the district is not required to employ such positions under Chapter 21 contracts. TASB Legal Services has developed a sample non-Chapter 21 contract, titled "Model Noncertified Contract," for this purpose that does not incorporate the statutory protections available to employees on Chapter 21 contracts. If the district has questions about how to transition employees on Chapter 21 contracts under a previous policy to non-Chapter 21 contracts, we recommend that the district contact its school attorney for guidance.**

DCD (LOCAL) EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

We recommend replacing the list of categories of employees that the district hires on an at-will basis with a statement that personnel not hired under a contract shall be employed on an at-will basis. A cross-reference points to the policies outlining which employees are hired on a contractual basis.

Several other provisions are also recommended for deletion because the material is covered at other policy codes, including:

Explanatory Notes

TASB Localized Policy Manual Update 100

- The statement giving the superintendent or designee the authority to notify employees about assignments, compensation, and other conditions of employment, which is addressed at DK(LOCAL);
- The statement that the principal will evaluate at-will employees, which is addressed in the DN series; and
- The provision on reasonable assurance, which is addressed at CRF(LOCAL).

DCE (LOCAL) EMPLOYMENT PRACTICES OTHER TYPES OF CONTRACTS

Based on the district's responses to the Policy Service survey sent in June 2014, we have listed the positions to which the district consistently gives NON-CHAPTER 21 CONTRACTS.

Other recommended changes to this local policy are to delete the provision on reasonable assurance, which is addressed at CRF(LOCAL), and to indicate that the "district" rather than the "board" employs personnel on non-Chapter 21 contracts, to accommodate any board delegation to the superintendent of final authority to hire contractual personnel. [See DC(LOCAL), not included in this update.]

DEB (LEGAL) COMPENSATION AND BENEFITS FRINGE BENEFITS

This legally referenced policy on fringe benefits is recommended for inclusion in the district's policy manual. The policy provisions include the legal requirements applicable upon the death of a peace officer employed by a district and is recommended as a reference since all districts have the option of commissioning peace officers. [See CKE(LEGAL).]

DECB (LEGAL) LEAVES AND ABSENCES MILITARY LEAVE

A change in statute is reflected on page 2 at STATE LEAVE FOR MEMBER OF MILITARY OR RESCUE TEAM—SHORT TERM. The amended text limits this type of leave to 15 days in a fiscal year. Previously the statute referred to a "federal" fiscal year.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

Changes to this legally referenced policy on staff development are from SB 1383 from the 2011 82nd Texas Legislature. These changes were delayed pending development of the new principal appraisal system, which TEA will begin piloting in the 2014–15 school year. The policy was reorganized to better track statute and includes separate staff development requirements for EDUCATORS and PRINCIPALS. Staff development provided to a principal is governed by Education Code 21.3541 and rules for that section.

Explanatory Notes

TASB Localized Policy Manual Update 100

As a result of SB 307 from the 2013 83rd Texas Legislature, Regular Session, we have deleted provisions on required professional development for adult education staff. SB 307 transferred the administration and oversight of adult education and literacy programs from TEA to the Texas Workforce Commission (TWC), effective January 1, 2014, and mandates that TWC use a competitive procurement process to award contracts to service providers of local education programs.

EHDB (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

Amended State Board rules on credit by examination with prior instruction, effective May 11, 2014, align the rules with changes from HB 2694 and SB 1365 from the 83rd Texas Legislature, Regular Session. The rules specify that tests given to students for the purpose of receiving credit for a subject in which the student has received prior instruction must be board approved.

FDA (LOCAL) ADMISSIONS
INTERDISTRICT TRANSFERS

Revisions recommended to this local policy on interdistrict transfers are based on a recent Commissioner decision, *Child v. Skidmore-Tynan Independent School District*, in which the Commissioner determined that, under the Texas Education Code, interdistrict transfers must be for a period of one year. As a result, we have deleted text that permitted the district to revoke transfers mid-year for violation of the district's rules and regulations. However, new text at TRANSFER AGREEMENTS explains that if a transfer student violates the district's rules and regulations, the district may take that conduct into account in approving a transfer for the following school year.

We recommend deletion of the provision regarding the district's right to amend the policy. While the district retains the right to amend any policy by majority vote of the board at any time in accordance with your BF(LOCAL), it is not necessary to state this in any specific policy.

FEA (LEGAL) ATTENDANCE
COMPULSORY ATTENDANCE

To better match statutory text, we have made changes to this policy on compulsory attendance at NO PENALTY on page 5. Newly added text explains that students with excused absences for compulsory attendance determinations may not be penalized for the absence and shall be counted as if the student were in attendance for purposes of calculating average daily attendance.

FL (LOCAL) STUDENT RECORDS

A change recommended on page 3 at ACCESS BY SCHOOL OFFICIALS, item 1, clarifies that a district's school resource officers, if any, are considered "school officials" for purposes of FERPA. School officials are allowed access to student records if they have a legitimate educational interest in the records.

Explanatory Notes

TASB Localized Policy Manual Update 100

Please note: The district's policy reflects a single DIRECTORY INFORMATION list. Under the district's policy the district will need to release the information to anyone who follows the request procedures, unless a parent objects to the release of the listed directory information. However, state law gives districts the option to create a separate directory information list for school-sponsored purposes. 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 other district publication, remains otherwise confidential and may not be released. If you are interested in discussing a change to your policy to reflect separate lists of directory information categories for school-sponsored release and for all other purposes, please contact the district's policy consultant.

GB (LEGAL) PUBLIC INFORMATION PROGRAM

This new legally referenced policy addressing the scope of public information includes provisions that were formerly at GBA, Access to Public Information, including provisions defining and listing the forms of public information and provisions addressing postings on an online message board as authorized by the Government Code.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM ACCESS TO PUBLIC INFORMATION

This legally referenced policy addressing access to public information has been revised and reorganized into three sections, as reflected in the new table of contents page. Section I addresses the right of access to public information. Sections II and III clarify the distinction between categories of information that a school district may not disclose to the public versus information that a district may elect to withhold under Subchapter C of the Public Information Act. As mentioned above, several provisions addressing the scope of public information were moved to GB(LEGAL). Substantive changes to this policy include:

- Addition of an existing statutory provision explaining that expenditure of funds for a security system is public information (see SECURITY SYSTEM INFORMATION on page 3);
- Addition of existing statutory provisions on the SPECIAL RIGHTS OF ACCESS employees and board members have to information held by the district (see page 4);
- Relocation and addition of existing statutory provisions regarding commercial information and requests by incarcerated individuals, now grouped with other INFORMATION THE DISTRICT IS NOT REQUIRED TO RELEASE (see page 4); and
- Relocation of provisions regarding the personal information of peace officers/security officers, which used to be included with employee/board member information, to the section of the policy covering INFORMATION THAT MAY NOT BE DISCLOSED (see page 9 at PEACE/SECURITY OFFICER INFORMATION).

GBAA (LEGAL) INFORMATION ACCESS REQUESTS FOR INFORMATION

A revision at CATEGORIES OF INFORMATION on pages 8–9 clarifies that the attorney general, in Open Record Decision 684, determined that a district may withhold from public disclosure any of the categories of records listed in that decision, not just personnel records.

Explanatory Notes

TASB Localized Policy Manual Update 100

GBAA (LOCAL) INFORMATION ACCESS REQUESTS FOR INFORMATION

With some exception, state law allows districts to charge requestors for district personnel time spent responding to the requestor's public information requests after the personnel time exceeds a specified amount established by the district, which may not be less than 36 hours. Your district does not have a policy addressing this available option. Therefore, we have enclosed for your consideration a policy that establishes a 36-hour limit for personnel time after which the district will begin charging the requestor for the district personnel time spent on his or her PIA requests.

GKA (LEGAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

A recent attorney general opinion added at BOARD AUTHORIZATION on page 6 explains that a concealed handgun license holder does not commit a criminal offense when the holder carries a handgun at an interscholastic event or a board meeting if the holder is lawfully carrying a handgun pursuant to the board's written regulations and authorization.

GKB (LOCAL) COMMUNITY RELATIONS ADVERTISING AND FUND RAISING IN THE SCHOOLS

This policy includes extensive revisions recommended to clarify the district's authority to accept or reject requests for ADVERTISING. A definition of "advertising" has been added, which excludes public recognition of donors or sponsors.

The standards for accepting or rejecting advertising have been expanded. The policy explains that advertising is for the purpose of generating revenue, not establishing a forum for communication. Although requests for advertising must be considered in a manner consistent with the First Amendment, the district maintains control over the size and location of advertising and may reject advertising that is inconsistent with law, board policy, regulations, or curriculum or that has a reasonable likelihood of exposing the district to controversy, litigation, or disruption.

Acceptance of advertising does not constitute district endorsement or approval of any product, service, organization, or issue and shall not determine whether the district will purchase goods or services from a vendor.

Cross-references to GKD and FMA have been updated to explain that other relevant information may be found at those policies.

Please note: If your district does not accept paid political advertising, sample policy text prohibiting such advertising is available from your policy consultant. For information on political advertising, see TASB Legal Services' eSource memo "Campaign Speech During Elections," available at https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/campaign_speech_during_elections_june14.pdf.

DISTRICT
PERFORMANCE
REPORT — TAPR

TEA shall provide to the District a Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the District and of each campus in the District in relation to the District, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The District may not alter the report provided by TEA. However, the District may concurrently provide additional information to the public that supplements or explains information in the TAPR. The report may include the following information:

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

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

Education Code 39.306(a)–(b), (d)–(e), (g); 19 TAC 61.1022(a)–(b), (e)

PUBLIC HEARING

The Board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the Board.

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

Education Code 39.306(c); 19 TAC 61.1022(c)

ACCOUNTABILITY
PERFORMANCE REPORTING

AIB
(LEGAL)

PUBLICATION	<p>The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. The Board shall disseminate the report by posting it on the District website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(d), (f)</i></p>
REPORT USES	<p>The information in the TAPR shall be a primary consideration in District and campus planning. It shall also be a primary consideration of the Board in the evaluation of the performance of the Superintendent, and of the Superintendent in the evaluation of the performance of campus principals. <i>Education Code 39.307</i></p>
CAMPUS PERFORMANCE REPORT — SRC	<p>Each school year, TEA shall distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.</p>
DISTRIBUTION	<p>The District must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.</p> <p>The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, the District shall provide a copy of the SRC to any other party.</p> <p>The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.</p> <p><i>Education Code 39.305; 19 TAC 61.1021</i></p>
WEBSITE NOTICES	<p>Not later than the tenth day after the first day of instruction of each school year, a district that maintains an Internet website shall make the following information available:</p> <ol style="list-style-type: none">1. The information in the most recent campus report card for each campus in the District;

ACCOUNTABILITY
PERFORMANCE REPORTING

AIB
(LEGAL)

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

Education Code 39.362

PERFORMANCE AND
COMPLIANCE
REPORTING

The District shall use criteria developed by a local committee to evaluate the performance of the District and each campus in:

1. Community and student engagement; and
2. Compliance with statutory reporting requirements and policy requirements.

Annually, by August 8, the District shall report each rating to TEA and shall make the ratings publicly available as provided by Commissioner rule.

COMMUNITY AND
STUDENT
ENGAGEMENT
CRITERIA

For purposes of the community and student engagement ratings, the District shall assign the District and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable for both overall performance and each of the following individual evaluation factors:

1. Fine arts;
2. Wellness and physical education;
3. Community and parental involvement, such as opportunities for parents to assist students in preparing for state assessments, tutoring programs that support students taking state assessments, and opportunities for students to participate in community service projects;
4. The 21st Century Workforce Development program;
5. The second language acquisition program;
6. The digital learning environment;
7. Dropout prevention strategies; and
8. Educational programs for gifted and talented students.

COMPLIANCE
CRITERIA

The District shall assign the District and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable regarding compliance with statutory reporting and policy requirements.

Education Code 39.0545

ACCOUNTABILITY
PERFORMANCE REPORTING

AIB
(LEGAL)

STUDENT
PERFORMANCE
REPORT

Each year, TEA shall report to the District whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

NOTICE TO
PARENTS

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

NOTICE TO
TEACHERS AND
STUDENTS

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

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

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

Education Code 39.304

PLANNING AND DECISION-MAKING PROCESS
DISTRICT-LEVEL

BQA
(LEGAL)

SINGLE-CAMPUS
DISTRICT

In a district that has only one campus, the District- and campus-level committees may be one committee and the District and campus plans may be one plan. *Education Code 11.252(c)*

COMMITTEE

The District's policy and procedures shall establish a District/campus planning and decision-making committee as provided by Education Code 11.251(b)–(e).

The committee shall include representative professional staff, parents of students enrolled in the District, business representatives, and community members.

Education Code 11.251(b), .253(a)

PROFESSIONAL
STAFF

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the District/campus committee. If practicable, the committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities.

At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Education Code 11.251(e)

PARENTS

Board policy shall provide procedures for the selection of parents to the District/campus committee.

For purposes of establishing the composition of the committee:

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

Education Code 11.251(c), (e)

BUSINESS
REPRESENTATIVES
AND COMMUNITY
MEMBERS

Board policy shall provide procedures for the selection of community members and business representatives to serve on the District/campus committee in a manner that provides for appropriate representation of the community's diversity.

The committee must include business representatives without regard to whether a representative resides in the District or whether the business the person represents is located in the District.

	<p>Community members must reside in the District and must be at least 18 years of age.</p> <p><i>Education Code 11.251(b), (c), (e)</i></p>
MEETINGS	<p>The Board shall establish a procedure under which the District/campus committee holds regular meetings. The Board or designee shall periodically meet with the District/campus committee to review the committee's deliberations. <i>Education Code 11.251(b)</i></p>
PUBLIC MEETINGS	<p>The District/campus committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual District performance report from TEA for the purpose of discussing the performance of the District and the District performance objectives. <i>Education Code 11.252(e)</i></p>
COMMUNICATIONS	<p>District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the District/campus committee. <i>Education Code 11.252(e)</i></p>
CONSULTATION	<p>The Superintendent shall regularly consult the District/campus committee in the planning, operation, supervision, and evaluation of the District educational program. <i>Education Code 11.252(f)</i></p>
RESPONSIBILITIES DISTRICT/CAMPUS PLAN	<p>The District/campus committee shall assist the Superintendent with the annual development, evaluation, and revision of the District/campus improvement plan. <i>Education Code 11.252(a)</i> [See BQ]</p> <p>The District shall use the results from the teaching and learning survey required by Education Code 7.064(a), conducted biennially, to review and revise, as appropriate, the District/campus improvement plan, and for other purposes, as appropriate to enhance the District learning environment. <i>Education Code 7.064(e)</i></p>
STAFF DEVELOPMENT	<p>The District/campus committee must approve the portions of the District/campus plan addressing campus staff development needs. <i>Education Code 11.253(e)</i></p>
DROPOUT PREVENTION REVIEW	<p>The District/campus committee of a district with a junior high, middle, or high school campus shall analyze information related to dropout prevention, including:</p> <ol style="list-style-type: none">1. The results of the audit of dropout records;2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;

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

The District/campus committee shall use the information in developing the District/campus improvement plan.

Education Code 11.255

PRINCIPAL
PERFORMANCE
INCENTIVES

A performance incentive awarded to a principal shall be distributed to the principal's school. The District/campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.264(a). *Education Code 21.357(c)*

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

This introductory page outlines the contents of this legally referenced policy on security personnel. See the following sections for statutory provisions on:

SECTION I	School District Peace Officers and Security Personnel	pages 2–8
	1. Jurisdiction	
	2. Commissioned Peace Officers	
	3. Chief of Police	
	4. Memorandum of Understanding	
	5. Motor Vehicle Stops	
	6. Racial Profiling	
	7. Bonding	
	8. Continuing Education	
	9. Complaints Against Peace Officers	
	10. Legal Representation	
	11. Notice of Exposure to Communicable Disease	
SECTION II	School Marshals	pages 8–10
	1. Eligibility	
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	3. Powers and Duties	
	4. Possession of Handgun	
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SECTION III	Concealed Handgun Licensees	page 10
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	1. Definition	
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SECTION I: SCHOOL DISTRICT PEACE OFFICERS AND SECURITY PERSONNEL

The Board may employ security personnel and commission peace officers to carry out the provisions of Education Code Chapter 37, Subchapter C, relating to law and order.

JURISDICTION

The Board shall determine the jurisdiction of a peace officer or security personnel, which may include all territory in the boundaries of the District and all property outside the boundaries of the District that is owned, leased, or rented by or otherwise under the control of the District.

COMMISSIONED
PEACE OFFICERS

If the Board authorizes security personnel to carry weapons, they must be commissioned peace officers. Any peace officer commissioned by the Board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE).

Education Code 37.081(a), (h)

POWERS AND
DUTIES

Officers commissioned by the Board are subject to the general duties of officers set out in Chapter 2 of the Code of Criminal Procedure. *Code of Criminal Procedure 2.12(8)*

CODE OF
CRIMINAL
PROCEDURE

A peace officer has the duty to preserve the peace within the officer's jurisdiction by using all lawful means.

A peace officer shall:

1. In every case authorized by the Code of Criminal Procedure, interfere without warrant to prevent or suppress crime;
2. Execute all lawful process issued to the officer by any magistrate or court;
3. Give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and
4. Arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried.

It is the duty of every officer to take possession of a missing child under Code of Criminal Procedure 63.009(g).

Code of Criminal Procedure 2.13

AS DETERMINED
BY THE BOARD

A District peace officer shall also perform law enforcement duties as determined by the Board, which shall include protecting the

safety and welfare of any person in the officer's jurisdiction and protecting property of the District. *Education Code 37.081(d)*

Within the officer's jurisdiction, a peace officer commissioned by the Board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Chapter 52 of the Family Code [see GRA] or Article 45.058 of the Code of Criminal Procedure; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)

The Board shall determine the scope of the on-duty and off-duty law enforcement activities of its peace officers, and the District must authorize in writing any off-duty law enforcement activities performed by a District peace officer. *Education Code 37.081(e)*

A District peace officer may provide assistance to another law enforcement agency, and the District may contract with a political subdivision for the jurisdiction of District peace officers to include all territory in the jurisdiction of the political subdivision. *Education Code 37.081(c)*

CHIEF OF POLICE

The District police department's chief of police is accountable to the superintendent and shall report to the superintendent. District police officers shall be licensed by TCOLE and be supervised by the District chief of police or the chief's designee. *Education Code 37.081(f)*

MEMORANDUM OF UNDERSTANDING

The District police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. *Education Code 37.081(g)*

MOTOR VEHICLE STOPS

REPORTS
REQUIRED

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - a. The person's gender; and

- b. The person's race or ethnicity, as stated by the person or, if the person does not state his or her race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
5. The reason for the search, including whether:
 - a. Any contraband or other evidence was in plain view;
 - b. Any probable cause or reasonable suspicion existed to perform the search; or
 - c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
7. The street address or approximate location of the stop; and
8. Whether the officer issued a written warning or a citation as a result of the stop.

Code of Criminal Procedure 2.133

The District police department shall compile and analyze the incident-based data contained in each report received by the department. Not later than March 1 of each year, the District police department shall submit a report containing the information compiled during the previous calendar year, in accordance with Code of Criminal Procedure 2.134, to TCOLE and to the governing body of each county or municipality served by the department. *Code of Criminal Procedure 2.134*

CIVIL PENALTY

If the District's chief of police intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

EXEMPTION

A peace officer and the District's chief of police are exempt from the reporting requirements described above if:

1. During the calendar year preceding the date that the department's report is required to be submitted:
 - a. Each law enforcement motor vehicle regularly used by an officer employed by the department to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and
 - b. Each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
2. The governing body of the county or municipality served by the department, in conjunction with the department, certifies to the Texas Department of Public Safety (TDPS), not later than the date specified by rule by TDPS, that the department needs funds or video and audio equipment for the purpose of installing video and audio equipment and the department does not receive from the state funds or video and audio equipment sufficient, as determined by TDPS, for the department to accomplish that purpose.

Except as otherwise provided by this subsection, a district police department that is exempt from the reporting requirements shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the department alleging that a District peace officer has engaged in racial profiling with respect to a motor vehicle stop, the department shall retain the video and audio or audio record of the stop until final disposition of the complaint.

Code of Criminal Procedure 2.135

RACIAL PROFILING
PROHIBITION

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

DEPARTMENTAL
POLICY REQUIRED

Each district police department that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling. The policy must:

1. Clearly define acts constituting racial profiling;
2. Strictly prohibit peace officers employed by the department from engaging in racial profiling;

3. Implement a process by which an individual may file a complaint with the department if the individual believes that a peace officer employed by the department has engaged in racial profiling with respect to the individual;
4. Provide public education relating to the department's complaint process;
5. Require appropriate corrective action to be taken against a peace officer employed by the department who, after an investigation, is shown to have engaged in racial profiling in violation of the department's policy adopted under this article;
6. Require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. The race or ethnicity of the individual detained;
 - b. Whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
7. Require the District's chief of police to submit an annual report of the information collected under item 6 to:
 - a. TCOLE; and
 - b. The governing body of each county or municipality served by the agency.

On adoption of a racial profiling policy, the department shall examine the feasibility of installing video camera and transmitter-activated equipment in each department law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each department law enforcement motorcycle regularly used to make motor vehicle stops. If the department installs video or audio equipment as provided by this subsection, the policy adopted by the department must include standards for reviewing video and audio documentation.

A report required under item 7 above may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

Code of Criminal Procedure 2.132

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL

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(LEGAL)

BONDING	<p>A commissioned and assigned peace officer shall take and file the oath required of peace officers and execute and file the required \$1,000 bond, payable to the Board, conditioned on the officer's performance of his or her duties. <i>Education Code 37.081(h)</i></p>
CONTINUING EDUCATION	<p>If the District employs peace officers, it shall provide each officer with a continuing education program as required by Occupations Code Title 10, Chapter 1701, Subchapter H. <i>Occupations Code 1701, Subch. H</i></p>
COMPLAINTS AGAINST PEACE OFFICERS	<p>In order for a complaint against a District peace officer to be considered by the head of the District's police department, the complaint must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed and no disciplinary action shall be taken against the officer as a result of the complaint unless a copy is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. <i>Gov't Code Ch. 614, Subch. B; Atty. Gen. Op. GA-251 (2004)</i></p> <p>On the commencement of an investigation by the District police department of a complaint that alleges that a peace officer employed by the department has engaged in racial profiling with respect to an individual and in which a video or audio recording of the occurrence on which the complaint is based was made, the department shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. <i>Code of Criminal Procedure 2.132(f)</i></p> <p>[See DGBA, FNG, and GF for appeals]</p>
LEGAL REPRESENTATION	<p>The District shall provide a District employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.</p> <p>To defend the employee against the suit, the District may provide counsel already employed by it or may employ private counsel.</p> <p>An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.</p> <p><i>Local Gov't Code 180.002(b)-(d)</i></p>

NOTICE OF
EXPOSURE TO
COMMUNICABLE
DISEASE

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers, or correctional officers must post the required notice in the form specified by administrative rule, in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

SECTION II: SCHOOL MARSHALS

A school marshal is a person employed and appointed by the board under Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by Education Code 37.0811. *Occupations Code 1701.001(8)*

ELIGIBILITY

The Board may appoint a person as a school marshal if the person is an employee of the District and certified by TCOLE as eligible for appointment. TCOLE shall license an eligible person who:

1. Completes required training; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of a required psychological examination.

The TCOLE training program is open to any employee of the District who holds a license to carry a concealed handgun issued under Government Code Chapter 411, Subchapter H.

A person may not serve as a school marshal unless the person is licensed by TCOLE and appointed by the Board.

Education Code 37.0811(b); Occupations Code 1701.260, .301; Code of Criminal Procedure 2.127(d)

LIMITATION ON
NUMBER

The Board may appoint not more than one school marshal per 400 students in average daily attendance per campus. *Education Code 37.0811(a)*

POWERS AND DUTIES

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the Board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

POSSESSION OF
HANDGUN A school marshal may carry or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the Board; and
2. At a specific school as specified by the Board.

Education Code 37.0811(c)

ACCESSING
HANDGUN A school marshal may access a handgun only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33. *Education Code 37.0811(e)*

BOARD REGULATIONS
LOCKED GUN SAFE The Board's written regulations must provide that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty.

FRANGIBLE
AMMUNITION The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

Education Code 37.0811(d)

INACTIVE STATUS A District employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;
2. Suspension or revocation of the employee's concealed handgun license (CHL);
3. Termination of the employee's employment with the District; or
4. Notice from the Board that the employee's services as school marshal are no longer required.

Education Code 37.0811(f)

IDENTITY
CONFIDENTIAL The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and CHL number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;
2. The District;

3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;
4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and
5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

Education Code 37.0811(g); Occupations Code 1701.260(j)

REIMBURSEMENT FOR
TRAINING

The Board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the required TCOLE training program. *Education Code 37.0811(b)*

NO STATE BENEFITS

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

SECTION III: CONCEALED HANDGUN LICENSEES

WRITTEN PERMISSION

By written regulations or written authorization, the District may permit a person to possess a firearm on the physical premises of a school, any grounds or building on which a school-sponsored activity is being conducted, or a passenger transportation vehicle of a school. *Penal Code 46.03(a)(1); Education Code 11.151(b)*

The holder of a CHL does not commit a criminal offense under Penal Code 46.035 by carrying a handgun in a building where a high school sporting event or interscholastic event is taking place or at any meeting of the Board when the person is lawfully carrying a handgun pursuant to the Board's written regulations and authorization.

The Board may appoint a school marshal and authorize another person to serve under the District's regulations and authorization under Penal Code 46.03(a)(1).

Att'y Gen. Op. GA-1051 (2014)

SECTION IV: SCHOOL RESOURCE OFFICERS

DEFINITION

A school resource officer is a peace officer who is assigned by the officer's employing political subdivision to provide:

1. A police presence at a public school;
2. Safety or drug education to students of a public school; or

SAFETY PROGRAM/RISK MANAGEMENT
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(LEGAL)

3. Other similar services.

Occupations Code 1701.601

LICENSE REQUIRED

A peace officer who is a visiting school resource officer in a public school must be licensed as provided by Occupations Code Chapter 1701. *Occupations Code 1701.602*

FIREARMS ACCIDENT
PREVENTION
PROGRAM

A peace officer who is a visiting school resource officer in a public elementary school shall at least once each school year offer to provide instruction to students in a firearms accident prevention program, as determined by the District.

A firearms accident prevention program must include the safety message, "Stop! Don't Touch. Leave the Area. Tell an Adult.", and may include instructional materials from the National Rifle Association Eddie Eagle GunSafe Program, including animated videos and activity books.

Occupations Code 1701.603

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)*

The Commissioner shall, as early as practicable during each fiscal year, notify the District of the estimated amount of funding to which the district will be entitled during the next fiscal year.

DELAYED
PUBLISHER
PAYMENT OPTION

The District may requisition and receive state-adopted instructional materials before IMA funds for those materials are available. The total cost of materials in the requisition may not exceed 80 percent of the District's expected IMA for the subsequent fiscal year.

When the District submits a requisition for instructional materials before IMA funds are available, TEA shall expend the District's existing IMA balance before applying the delayed payment option. TEA shall make payment for any remaining balance for the District's order as the IMA funds become available and shall prioritize payment for requisitions over reimbursement of purchases made directly by the District.

The Commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline orders from individual districts. Government Code Chapter 2251 does not apply to requisitions under this provision.

Education Code 31.0215; 19 TAC 66.1327

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)*

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 enrollment growth shall be adjusted automatically for each year of a biennium based on current Public Education Information Management System (PEIMS) enrollment data before the Educational Materials (EMAT) system opens each 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.

For each year in a biennium, a district that is experiencing a student population growth that is not reflected in the current 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.

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

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

The amount of funding for high-enrollment growth shall be allocated based on available IMA funds.

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. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
7. Supplemental instructional materials, as provided by Education Code 31.035;
8. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
9. Instructional materials and technological equipment under any continuing contracts of the District in effect on September 1, 2011; and
10. 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.

Education Code 31.0211(c); 19 TAC 66.1307(c)

PROHIBITED
EXPENDITURES

IMA funds may not be used to purchase:

1. Services for installation:

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
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2. The physical conduit that transmits data such as cabling and wiring or electricity;
3. Office and school supplies; or
4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment.

IMA funds may not be used to pay for travel expenses or equipment used at a warehouse for the purpose of moving, storing, or taking inventory of instructional materials.

19 TAC 66.1307(d)

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.

Education Code 31.0211(d)

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,

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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 materials 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 instructional 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)

REIMBURSEMENTS OF
IMA EXPENDITURES

The District may be reimbursed for allowable IMA expenditures. Reimbursements shall be funded through the District's IMA as funds become available.

The District may receive a reimbursement only if the District:

1. Submits a request through the EMAT system;
2. Has a zero IMA balance or the cost of an allowable product or service is more than the District's available IMA balance at the time the request is submitted; and
3. Has received approval from TEA through the EMAT system.

TEA shall establish a reimbursement process for school districts and open-enrollment charter schools.

19 TAC 66.1325

SPECIALIZED
INSTRUCTIONAL
MATERIAL FORMATS

"Specialized instructional material format" means any form of published material converted into an alternative medium that is exclusively for use by persons who are blind or with other disabilities, as authorized by the Vocational-Rehabilitation Act and the Americans with Disabilities Act. *19 TAC 66.1301(10)*

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 specialized instructional material formats, 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 specialized instructional material formats determined to be lost.

FOR TEACHERS

Adopted instructional materials needed by a teacher who is blind or visually impaired shall be furnished in a specialized format 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 Adopted instructional materials in a specialized format 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 shall 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 specialized instructional material formats 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. The calculation used for adjusting the IMA for bilingual education student enrollment is based on actual bilingual enrollment. The calculation shall take into account funds used for TEA administrative purposes and juvenile justice alternative education programs and include adjustments for bilingual education student enrollment and high-enrollment growth. *Education Code 31.029; 19 TAC 66.1313*

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;
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

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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
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.

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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.
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"><li data-bbox="560 1528 1432 1591">1. All currently adopted instructional materials that have been requisitioned by and delivered to the District;<li data-bbox="560 1612 1432 1675">2. All non-adopted instructional materials purchased with funds from the IMA; and<li data-bbox="560 1696 1432 1768">3. All technological equipment purchased with funds from the IMA.

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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.

19 TAC 66.107(a)

LOCAL HANDLING
EXPENSES

The District shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(f)*

DEFINITION

A "local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the District or any of its officers or employees, pursuant to law or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by District officers or employees.
2. Notes, journals, diaries, and similar documents created by a District officer or employee for his or her own personal convenience.
3. Blank forms, stocks or publications, and library and museum materials acquired solely for the purposes of reference or display.
4. Copies of documents in any media furnished to the public under the Open Records Act or other state law.

Local Gov't Code 201.003(8)

BOARD'S
RESPONSIBILITIES

In implementing the Local Government Records Act, the Board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all District records.
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer.
3. Facilitate the creation and maintenance of District records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the District and designed to furnish the information necessary to protect the District's legal and financial rights, the state, and persons affected by the District's activities.
4. Facilitate the identification and preservation of District records that are of permanent value.
5. Facilitate the identification and protection of essential District records.

6. Cooperate with the Texas State Library and Archives Commission (TSLAC) in its conduct of statewide records management surveys.

Local Gov't Code 203.021

CUSTODIANS OF
RECORDS

In implementing the Local Government Records Act, school personnel who are custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by the District for the efficient and economical management of records and in carrying out the requirements of the Act.
2. Adequately document the transaction of District business and the services, programs, and duties for which they and their staff are responsible.
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records in accordance with the policies and procedures of the District's records management program.

Local Gov't Code 203.022

RECORDS
MANAGEMENT
OFFICER
DESIGNATION

The Board must designate an individual or an office or position as the records management officer for the District.

The designation of a records management officer must be entered into the minutes of the Board and the name, office, or position of the records management officer must be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

Any subsequent designations of a new individual or a new office or position must be entered into the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025

DUTIES

In implementing the Local Government Records Act, the records management officer shall:

1. Assist in establishing and developing policies and procedures for the District's records management program.

2. Administer the records management program and provide assistance to the custodians in order to reduce costs and improve record-keeping efficiency.
3. In cooperation with the custodians of records, prepare and file records control schedules, amended schedules, and lists of obsolete records, as required by the Local Government Records Act.
4. In cooperation with the custodians of records, prepare or direct the preparation of requests for authorization to destroy records, when such requests are required under the Local Government Records Act.
5. In cooperation with the custodians of records, identify and take adequate steps to preserve District records of permanent value.
6. In cooperation with the custodians of records, identify and take adequate steps to protect essential District records.
7. In cooperation with the custodians of records, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the District's records management program and legal requirements.
8. Disseminate to the Board and custodians of records information concerning state laws, administrative rules, and government policies relating to the District's records.
9. In cooperation with the custodians of records, establish procedures to ensure that the handling of records is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

RETENTION
SCHEDULES

In developing the District's records retention schedule, the records management officer shall ensure it is consistent with the applicable minimum retention schedules adopted by TSLAC, i.e., Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. *13 TAC 7.125*

Note: The TSLAC records retention schedules are available at www.tsl.state.tx.us/slr/recordspubs/localretention.html.

DESTRUCTION OF
RECORDS

A District record may be intentionally destroyed under any of the following conditions:

1. The record is listed on a records control schedule filed with TSLAC and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards.
2. The record appears on a list of obsolete records approved by TSLAC.
3. A destruction request is filed with and approved by TSLAC for a record not listed on an approved control schedule.
4. The district court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov't Code 202.001

EXCEPTIONS

A District record the subject matter of which is known by the custodian to be the subject of litigation shall not be destroyed until the litigation is settled. A District record that is subject to a request under Chapter 552, Government Code, shall not be destroyed until the request is resolved. *Local Gov't Code 202.002*

PRESERVATION OF
RECORDS

The Board shall determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004*

The Board shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or recording shall be preserved while the action is pending. *Gov't Code 551.104(a)*

MICROFILMING

District records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 204 of the Local Government Code and rules adopted by TSLAC. *Local Gov't Code 204.002*

ELECTRONIC
STORAGE

District records may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Chapter 205 of the Local Government Code and rules adopted by TSLAC. *Local Gov't Code 205.002*

FEDERAL
INVESTIGATIONS AND
BANKRUPTCY

Anyone who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

The Superintendent shall oversee the performance of records management functions prescribed by state and federal law:

- Records Management Officer, as prescribed by Local Government Code 203.023
- Records Administrator, as prescribed by Local Government Code 176.001 and 176.007 [See BBFA and CHE]
- Officer for Public Information, as prescribed by Government Code 552.201–.205 [See GBAA]
- Public Information Coordinator, as prescribed by Government Code 552.012 [See BBD]

DOCUMENT
DESTRUCTION
PRACTICES

The District shall follow its records management program regarding document destruction. However, the District shall preserve documents, including electronically stored information, and suspend routine record destruction practices as applicable according to procedures developed by the records management officer:

1. In the event of pending or reasonably anticipated litigation;
2. In the event of an investigation by a federal agency or department or any bankruptcy case; or
3. In the event of a public information request.

Notification shall be given to appropriate staff of any applicable obligations to suspend routine record destruction practices.

WEBSITE POSTINGS

The District's records management program shall address the length of time documents will be posted on the District's website when the law does not specify a posting period.

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

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COVERAGE REQUIREMENTS	A district with 500 or fewer employees is required to participate in the uniform group coverage program established under Insurance Code 1579 (TRS-Active Care). <i>Insurance Code 1579.151-.152(a); Education Code 22.004(a)</i>
DISTRICTS WITH 500 OR FEWER EMPLOYEES	
SELF-FUNDED DISTRICTS	Notwithstanding the above, a district that was individually self-funded on January 1, 2001, may elect not to participate in TRS-ActiveCare. <i>Insurance Code 1579.151(b)</i>
DISTRICTS WITH MORE THAN 500 EMPLOYEES	A district with more than 500 employees may elect to participate in TRS-ActiveCare. The District shall apply for participation in the manner prescribed by TRS rule. <i>Insurance Code 1579.152; 34 TAC 41.30</i>
TRS-ACTIVECARE	The Teacher Retirement System (TRS) shall implement and administer TRS-ActiveCare. TRS shall establish plans of group coverages for employees participating in the program and their dependents. <i>Insurance Code 1579.051, .101</i>
EMPLOYEE ELIGIBILITY	Participation in TRS-ActiveCare is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. For these purposes, "full-time" means a District employee who is eligible for membership in TRS based on current full-time service as described by 34 Administrative Code 25.1. <i>Insurance Code 1579.202; 34 TAC 41.33(2)</i>
FULL-TIME EMPLOYEES	
PART-TIME EMPLOYEES	A part-time employee who is not a participating member in TRS is eligible to participate in TRS-ActiveCare only if the employee pays all of the premiums and other costs associated with the health coverage plan selected by the employee. For these purposes, "part-time" means an individual who is currently employed for ten hours or more each week and who is not a full-time employee. <i>Insurance Code 1579.204; 34 TAC 41.33(6)</i>
OPTIONAL COVERAGES	A district that participates in TRS-ActiveCare may enter contracts to provide optional insurance coverages for District employees. <i>Education Code 22.004(j)</i>
OTHER PROGRAMS	A district that does not participate in TRS-ActiveCare shall make available to their employees group health coverage provided by a risk pool under Local Government Code Chapter 172, or under a policy of group insurance or group contract issued by an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization under Insurance Code Chapter 843. <i>Education Code 22.004(b)</i>
FINANCIAL STATEMENT	The District may not contract with an insurer, company, or health maintenance organization to issue a policy or contract for group

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health insurance, or with any person to assist the District in obtaining or managing the policy or contract unless the insurer, company, organization, or person provides the District with an audited financial statement. *Education Code 22.004(f)*

SMALL
EMPLOYER
MARKET
ELECTION

A district that does not participate in TRS-ActiveCare may elect to participate in the small employer market without regard to the number of eligible employees in the District. If the District makes this election, it will be treated as a small employer for the purposes of Article 1501 of the Texas Insurance Code.

A district that is participating in TRS-ActiveCare may not renew a health insurance contract obtained in accordance with Insurance Code 1501.009 after the date on which the program of coverages provided under the uniform group coverage program is implemented. This provision does not affect a contract for the provision of optional coverages.

Insurance Code 1501.009

EMPLOYEE
ELECTION —
SPOUSES

A District employee who is eligible for coverage under a large or small employer health benefit plan providing coverage to the District's employees and who is the spouse of another District employee covered under the plan may elect whether to be treated under the plan as an employee or as the dependent of the other employee. *Insurance Code 1501.0095*

SELF-FUNDED
HEALTH CARE PLAN

Except as otherwise provided above, the Board may establish a self-funded health care plan for District employees and their dependents. In implementing the plan, the Board shall establish a fund to pay all or part of plan-authorized costs for health care incurred by program participants. The fund consists of money contributed by the District and money deducted from the employee's salary for coverage, upon the employee's written authorization. *Education Code 22.005*

COMPARABILITY

If the District does not participate in TRS-ActiveCare, the coverage it provides must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act) and must meet the substantive coverage requirements set forth in Education Code 22.004(b).

COMPLIANCE
REPORT

The District shall report its compliance with the comparability requirements to TRS by March 1 of each even-numbered year. The report must be based on the District group health coverage plan in effect during the current plan year and must include the information set forth at 34 Administrative Code 41.91.

Education Code 22.004(d); 34 TAC 41.91

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COST OF COVERAGE TRS-ACTIVECARE	The cost of coverage under TRS-ActiveCare shall be shared by the state, the District, and the employees, as set forth below. <i>Education Code 22.004(c)</i>
STATE CONTRIBUTION	The state shall provide for each covered employee the amount of \$900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 41 and 42 and used by districts as provided by Education Code 42.260. <i>Insurance Code 1579.251</i>
EMPLOYEE CONTRIBUTION	<p>An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and the District's contribution.</p> <p>The District may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.</p> <p><i>Insurance Code 1579.253</i></p>
OTHER PROGRAMS	If the District does not participate in TRS-ActiveCare, the cost of coverage shall be shared by the employees and the District, using the contributions by the state described at Insurance Code Chapter 1579, Subchapter F. [See STATE CONTRIBUTION, above] <i>Education Code 22.004(c)</i>
DISTRICT CONTRIBUTION	The District shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees of the district multiplied by \$1,800. <i>Insurance Code 1581.052(a)</i>
DESIGNATION OF COMPENSATION FOR BENEFITS	An employee who is covered by a cafeteria plan or who is eligible to pay health care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health care supplementation. [See DEAB] <i>Education Code 22.103(a), (c)</i>
USE	An employee may use the compensation designated for health care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health care premiums through a premium conversion plan. <i>Education Code 22.106</i>
WRITTEN ELECTION	Each year, an active employee shall elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. The election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. <i>Education Code 22.105</i>

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CONTINUATION
COVERAGE
AFTER
RESIGNATION

Notwithstanding any other law, an employee whose resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in the uniform group coverage plan or the group health coverage through the earlier of:

1. The first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to District employees for the last instructional year in which the employee was employed by the District; or
2. The last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the District.

The District may not diminish or eliminate its contribution [see DISTRICT CONTRIBUTION, above] before the last date on which the employee is entitled to participation or enrollment.

Education Code 22.004(k), (l)

DURING MILITARY
LEAVE

An employee who is absent from a position of employment by reason of service in the uniformed services may elect to continue coverage under a health plan. The maximum period of coverage of such a person and the person's dependents shall be the lesser of:

1. The 24-month period beginning on the date on which the person's absence begins; or
2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

38 U.S.C. 4317

DURING FMLA
LEAVE

During any period of leave under the Family and Medical Leave Act (FMLA), the District shall allow the employee to maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. *29 U.S.C. 2614(c); 29 C.F.R. 825.209, .210, .213* [See also DECA]

UPON
TERMINATION OR
OTHER QUALIFYING
EVENT (COBRA)

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the District shall offer continuation coverage under any group health insurance plan established after July 1, 1986, to the following qualified beneficiaries for the stated period of time:

1. To the employee for 18 months after a termination (other than for gross misconduct) or reduction in hours. An employee providing notice of being disabled under Title II or XVI of the

Social Security Act before the end of the initial 18 months of coverage shall be offered up to 29 months of continuation coverage.

2. To dependents of the covered employee for 36 months after the employee becomes eligible for Medicare benefits.
3. To dependents of the covered employee for 36 months after the employee's death or the divorce or legal separation of the employee from a spouse.
4. To a dependent child for 36 months after the child ceases to be a dependent under the terms of the plan.

42 U.S.C. 300bb-1, 300bb-2, 300bb-3

PREMIUM

The District may require premium payments not to exceed 102 percent of the usual cost of the plan for continuation coverage. Individuals entitled to 29 months of continuation coverage may be required to pay premiums not to exceed 150 percent of the usual cost for any month after the 18th month. The qualified beneficiary may choose to pay the premiums in monthly installments. In no event may payment be required before the day that is 45 days after the day on which the qualified beneficiary made the initial election for continuation coverage. *42 U.S.C. 300bb-2(3)*

NOTICE

The District shall notify its group health plan administrator within 30 days of an employee's death, termination or reduction of hours, or becoming eligible for Medicare payments. *42 U.S.C. 300bb-6*

TERMINATION OF
COVERAGE

Coverage of qualified beneficiaries shall end on the earliest of the following dates:

1. The required period of coverage expires.
2. The District ceases to provide any group health plan to any employee.
3. Coverage ceases for failure to pay the premium.
4. The qualified beneficiary becomes covered under any other group plan.
5. The qualified beneficiary becomes entitled to Medicare benefits.

42 U.S.C. 300bb-2(2)

Note: See also DEB for continuation benefits that are available to survivors of District peace officers under certain conditions.

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

CRD
(LEGAL)

COVERAGE OF
PREEXISTING
CONDITIONS

Notwithstanding any other law, group health benefit coverage provided by or offered through the District to its employees under any law other than the uniform group coverage program is subject to the requirements of Sections 1501.102–1501.105, Insurance Code, which limit exclusion for preexisting conditions. This requirement applies to all group health benefit coverage provided by or offered through the District to its employees, including a standard health benefit plan issued under the Insurance Code and health and accident coverage provided through a risk pool established under Chapter 172, Local Government Code. *Education Code 22.004(m)*

TRS-ACTIVECARE

Coverage provided under the uniform group coverage program may not be made subject to a pre-existing condition limitation during the initial period of eligibility. *Insurance Code 1579.105*

FEDERAL LAW

In addition, a group health plan may not impose a preexisting condition exclusion unless:

1. The exclusion relates to a condition (whether physical or mental), regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the six-month period ending on the enrollment date;
2. The exclusion extends for a period of not more than 12 months (or 18 months in the case of a late enrollee) after the enrollment date; and
3. The period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage (if any) applicable to the participant or beneficiary as of the enrollment date.

42 U.S.C. 300gg(a)(1); 45 C.F.R. 146.111(a)

HEALTH INSURANCE
PORTABILITY AND
ACCOUNTABILITY ACT
(HIPAA)

CERTIFICATE OF
CREDITABLE
COVERAGE

A group health plan shall provide certification:

1. At the time an individual ceases to be covered under the plan or otherwise becomes covered under a COBRA continuation provision. This certification may be provided, to the extent practicable, at a time consistent with notices required under any applicable COBRA continuation provision;
2. In the case of an individual covered under COBRA, at the time the individual's COBRA coverage ceases; and
3. On the request on behalf of an individual made not later than 24 months after the date of cessation of coverage.

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

CRD
(LEGAL)

The certification is a written certification of:

1. The period of creditable coverage of the individual under such plan and the coverage (if any) under such COBRA continuation provision; and
2. The waiting period (if any) (and affiliation period, if applicable) imposed with respect to the individual for any coverage under such plan.

To the extent that medical care under a plan consists of group health insurance coverage, the plan is deemed to have satisfied the certification requirements if any issuer offering the coverage provides for certification.

42 U.S.C. 300gg(e); 45 C.F.R. 146.115

OTHER HIPAA
REQUIREMENTS

HIPAA requires plan sponsors to observe certain coverage requirements and restrictions, including:

1. Limitations on preexisting condition exclusion periods;
2. Special enrollment periods for individuals;
3. Prohibitions against discriminating against individual participants and beneficiaries based on health status;
4. Standards relating to benefits for mothers and newborns;
5. Parity in the application of certain limits to mental health benefits.

ELECTION TO BE
EXEMPTED

The plan sponsor of a nonfederal governmental group health plan may elect to be exempted from the following provisions of HIPAA:

1. Limitations on preexisting condition exclusion periods;
2. Special enrollment periods for individuals;
3. Prohibitions against discriminating against individual participants and beneficiaries based on health status;
4. Standards relating to benefits for mothers and newborns;
5. Parity in the application of certain limits to mental health benefits;
6. Required coverage for reconstructive surgery and certain other services following a mastectomy under section 2706 of the Public Health Service Act.

FORM OF
ELECTION

The election must be in writing and state the name of the plan and the name and address of the plan administrator. The election document must either state that the plan does not include health in-

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

CRD
(LEGAL)

insurance coverage, or identify which portion of the plan is not funded through insurance. The election must be made in conformity with all the plan sponsor's rules, including any public hearing, if required. The election document must be signed, and must certify that the person signing the election document, including if applicable a third party plan administrator, is legally authorized to do so by the plan sponsor.

TIMING OF
ELECTION

The election must be received by the Health Care Financing Administration by the day preceding the beginning date of the plan year. The election applies for a single specified plan year.

An election may be extended through subsequent elections.

CONTENTS OF
NOTICE

If this election is made, the plan shall provide for notice to enrollees, on an annual basis and at the time of enrollment under the plan. The notice shall be provided to each participant individually.

42 U.S.C. 300gg-21; 45 C.F.R. 146.180

PRIVACY OF HEALTH
INFORMATION

To the extent the District is a covered entity under the Administrative Simplification provisions of HIPAA, the District must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164. *42 U.S.C. 1320d et seq.*

'COVERED ENTITY'
DEFINED

The District is a "covered entity" under the Privacy Rule to the extent it is:

1. A health plan;
2. A health-care clearinghouse; or
3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by the Privacy Rule.

45 C.F.R. 160.103

'PROTECTED
HEALTH
INFORMATION'
DEFINED

"Protected health information" means individually identifiable health information that is transmitted or maintained in any form or medium, including electronic media and oral communications. "Protected health information" excludes individually identifiable health information in:

1. Education records covered by the Family Educational Rights and Privacy Act (FERPA), as amended.
2. Medical treatment records, as described at 20 U.S.C. 1232g(a)(4)(B)(iv), on a student who is at least 18 years of age.

3. Employment records held by a covered entity in its role as employer.

20 U.S.C. 1232g; 45 C.F.R. 160.102, 164.501 [See FL]

SPONSORS OF
GROUP HEALTH
PLANS

Before a group health plan may disclose protected health information to the District that is a plan sponsor, the group health plan must ensure that the plan documents restrict uses and disclosures of such information by the District consistent with the requirements of the Privacy Rule. *45 C.F.R. 164.504(f)*

The group health plan may disclose the following information to a district that is a plan sponsor without amending the plan documents:

1. Summary health information, consistent with the requirements of the Privacy Rule; and
2. Enrollment and disenrollment information relating to an individual participating in the plan.

45 C.F.R. 164.504(f)

'PLAN SPONSOR'
DEFINED

The term "plan sponsor" includes employers who establish or maintain employee benefit plans, alone or jointly with one or more employers. *29 U.S.C. 1002(16)(B)*

SELF-FUNDED
PLANS

A district that is a sponsor of a self-funded group health plan is a covered entity under the Privacy Rule. *45 C.F.R. 160.103*

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

CRD
(LOCAL)

DISTRICT
CONTRIBUTION

The Board annually shall determine the District's contribution to employee health insurance premiums as part of the budget development and adoption process.

CONTINUATION
COVERAGE

The District shall continue its contribution toward the cost of the employee's group health insurance coverage while the employee is on paid leave or, if applicable, while the employee is on family and medical leave. [See DEC]

The District shall not otherwise expend public funds for group health insurance coverage of an employee who is not on paid leave status. However, an employee who is not on paid leave status or FMLA leave shall be allowed to continue group health insurance coverage, at his or her own expense, for the period specified in the District's group health insurance plan.

EMPLOYMENT PRACTICES
TERM CONTRACTS

DCB
(LOCAL)

After any applicable probationary contract period required by the District, term contracts governed by Chapter 21 of the Education Code (educator term contracts) shall be provided to any employees in positions required by law to receive such contracts, including:

1. SBEC-certified employees serving full-time as principals, assistant principals, teachers, school counselors, diagnosticians, librarians, and athletic directors; and
2. Full-time nurses.

Employees in positions for which the District requires current SBEC certification shall also receive term contracts.

NO CERTIFICATION
REQUIRED

Educator term contracts shall also be provided for the following positions for which neither SBEC nor the District requires current SBEC certification: instructional technologist and assistant superintendent.

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

DISMISSAL

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

APPEAL TO BOARD

A dismissed employee may request to be heard by the Board in accordance with DGBA(LOCAL).

EMPLOYMENT PRACTICES
OTHER TYPES OF CONTRACTS

DCE
(LOCAL)

NON-CHAPTER 21
CONTRACTS

The District shall employ on non-Chapter 21 contracts, not to be governed by Chapter 21 of the Education Code, the following positions: technology/transportation manager, business manager, and facilities manager.

APPEAL OF
EMPLOYMENT
ACTIONS

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal to the Board in accordance with DGBA(LOCAL).

COMPENSATION AND BENEFITS
FRINGE BENEFITS

DEB
(LEGAL)

DUTY WEAPON AND
BADGE

On the death of a peace officer employed by the District, the District shall provide, at no cost, the officer's duty weapon, if any, and badge to the officer's designated beneficiary or, if there is no designated beneficiary, to the officer's estate. The District shall provide peace officers with a form on which they may designate their beneficiaries for this purpose. If a District peace officer dies and is to be buried in the person's uniform, the District shall provide the uniform at no cost. *Gov't Code 615.102-.103*

SURVIVOR BENEFITS

The following provisions apply to a person employed by the District as a peace officer or in another position listed at Government Code 615.001 and who dies as a result of a personal injury, as defined at Government Code 615.021 and 615.072, sustained in the line of duty.

NOTICE TO ERS

The surviving spouse and children of the deceased employee may be eligible for benefits under Government Code Chapter 615, Subchapter B. As soon as practicable after the death of a peace officer or other covered employee, the District shall furnish proof of death to the Employees Retirement System. *Gov't Code 615.041*

CONTINUATION OF
HEALTH
INSURANCE

The surviving spouse and any dependents of the deceased employee may be entitled to purchase or continue health insurance benefits through the District under Government Code Chapter 615, Subchapter D. The District shall provide written notice to an eligible survivor of the survivor's rights not later than the tenth day after the date of the employee's death. Not later than the 150th day after the employee's death, the District shall send a subsequent written notice by certified mail to any eligible survivor who has not already elected to purchase or continue coverage on or before that date.

If an eligible survivor is a minor child, the District shall also provide notice, at the same time, to the child's parent or guardian unless, after reasonable effort, the parent or guardian cannot be located.

Gov't Code 615.075

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

FEDERAL MILITARY
LEAVE

REEMPLOYMENT

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

1. The person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to the District (unless notice is precluded by military necessity or is otherwise unreasonable or impossible);
2. The cumulative length of the absence and of all previous absences from a position of employment with the District does not exceed five years; and
3. The person reports to or submits an application for reemployment to the District and complies with the appropriate procedural requirements that apply under the circumstances.

For purposes of federal military leave, "uniformed services" means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; and any other category of persons designated by the President in time of war or emergency.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

EXCEPTION

The District is not required to reemploy a person if:

1. The District's circumstances have so changed as to make reemployment impossible or unreasonable;
2. The reemployment of such person would impose an undue hardship on the District; or

LEAVES AND ABSENCES
MILITARY LEAVE

DECB
(LEGAL)

3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

STATE LEAVE FOR
MEMBER OF MILITARY
OR RESCUE TEAM
SHORT TERM

An employee of the District who is a member of the state military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue team shall be granted a paid leave of absence from the employee's duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which the employee is engaged in authorized training or duty ordered or authorized by proper authority. Such leave shall not exceed 15 workdays in a fiscal year. *Gov't Code 437.202(a)*

CALLED TO DUTY

A member of the state military forces who is ordered to active state duty by the governor or other proper authority under state law is entitled to the same benefits and protections provided to persons performing service in the uniformed services under 38 U.S.C. 4301–4313 and 4316–4319 (USERRA) and to persons in the military service of the United States under 50 App. U.S.C. 501–536, 560, and 580–594, as those laws existed on April 1, 2003. *Gov't Code 437.213*

LONG TERM
CHAPTER 431

The District may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.204*

CHAPTER 613

Any employee, other than a temporary employee, who leaves a position with the District to enter active military service is entitled to be reemployed by the District in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position. *Gov't Code 613.001(3), .002*

LEAVES AND ABSENCES
MILITARY LEAVE

DECB
(LEGAL)

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the District in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

To be reemployed, a veteran of the military must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. Application must be made in writing to the Superintendent and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard. *Gov't Code 613.001(2)*

USE OF PERSONAL
LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

The District may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

STAFF DEVELOPMENT EDUCATOR	<p>The staff development provided by the District to an educator other than a principal must be conducted in accordance with standards developed by the District and designed to improve education in the District.</p>
PRINCIPAL	<p>The staff development provided by the District to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]</p> <p><i>Education Code 21.451(a), (a-1)</i></p>
TRAINING SPECIFICS— EDUCATORS	<p>Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.</p> <p>The District may use District-wide staff development that has been developed and approved through the District-level decision process. [See BQA and BQB, as appropriate]</p> <p>The staff development may include:</p> <ol style="list-style-type: none">1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;2. Training in preventing, identifying, responding to, and reporting incidents of bullying; and3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school. <p><i>Education Code 21.451(b)–(d), (g)</i></p>
STUDENTS WITH DISABILITIES	<p>The staff development must include training, based on scientifically based research, that relates to the instruction of students with disabilities and is designed for educators who work primarily outside the area of special education.</p> <p>The District is required to provide such training only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. The District may determine the time and place at which the training is delivered.</p> <p>In developing or maintaining such training, the District must consult persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and non-profit organizations, regional education service centers, qualified District personnel, and any other persons identified as qualified by the District.</p> <p><i>Education Code 21.451(d)(2), (e)–(f)</i></p>

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

CHILD ABUSE AND
MALTREATMENT

The District's methods for increasing awareness of issues regarding sexual abuse and other maltreatment of children [see BQ, District Improvement Plan, and FFG] must address employee training.

The training must be provided as part of employee orientation to all new employees and to existing employees on a schedule adopted by TEA until all District employees have taken the training. The training may be included in staff development under Education Code 21.451.

The training shall address:

1. Factors indicating a child is at risk for sexual abuse or other maltreatment;
2. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse or other maltreatment; and
5. Community organizations that have relevant existing research-based programs and that are able to provide training or other education for employees, students, and parents.

The District shall maintain records of the training that include the name of each employee who participated.

If the District determines that the District does not have sufficient resources to provide the required training, the District shall work with a community organization to provide the training at no cost to the District.

Education Code 38.0041

STUDENT DISCIPLINE

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

SPECIAL PROGRAMS
TRAINING

TITLE I STAFF
DEVELOPMENT

A district that receives assistance under Title I, Part A, shall include in its plan [see AID] a description of the strategy the District will use to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including District staff, in accordance with 20 U.S.C. 6318 and 6319 (No Child Left Behind Act). 20 U.S.C. 6312(b)(1)(D), 7801(34)

READING
ACADEMIES

A teacher shall attend a reading academy under 19 Administrative Code 102.1101 if:

1. The teacher teaches at a campus that fails to satisfy any performance standard under Education Code 39.054(d) [see AIA] on the basis of student performance on the state reading assessment instrument administered to students in any grade level at the campus; and
2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:
 - a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or
 - b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.

From funds appropriated for this purpose, a teacher who attends a reading academy is entitled to a stipend in the amount determined by the Commissioner. The stipend shall not be considered in determining whether the District is paying the teacher the state minimum monthly salary [see DEAB].

Education Code 21.4551(c), (e); 19 TAC 102.1101(b)

GIFTED AND
TALENTED
EDUCATION

The District shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.

2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.
3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

ELECTIVE BIBLE
COURSE

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the Commissioner with respect to Bible elective courses. *Education Code 28.011(f)*

AUTOMATED
EXTERNAL
DEFIBRILLATORS

The District shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the Commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction;
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

EXTRACURRICULAR
ACTIVITY SAFETY
TRAINING

The following persons must satisfactorily complete the extracurricular safety training program developed by the Commissioner:

1. A coach or sponsor for an extracurricular athletic activity;

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12;
3. A physician who is employed by the District or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and
4. A director responsible for a school marching band.

The training may be conducted by the District, the American Red Cross, the American Heart Association, or a similar organization, or by the University Interscholastic League (UIL).

Education Code 33.202(b), (f); 19 TAC 76.1003

RECORDS

The Superintendent shall maintain complete and accurate records of the District's compliance and the District shall make available to the public proof of compliance for each person employed by or volunteering for the District who is required to receive safety training.

A campus that is determined by the Superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

STEROIDS

The District shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the District or a private entity with relevant expertise.

Education Code 33.091(c-1)

CONCUSSIONS

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of the District's concussion oversight team shall take a course approved by the Texas Department of State Health Services Advisory

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

Board of Athletic Trainers (TDSHS-ABAT) or a course approved for continuing education credit by the licensing authority for athletic trainers.

3. A licensed health-care professional, other than an athletic trainer, who serves as a member of the District's concussion oversight team shall take a course approved by the UIL, TDSHS-ABAT, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the Superintendent or designee. A licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

RESOURCES FOR
STAFF DEVELOPMENT

If the District receives resources from the Commissioner's staff development account, it must pay to the Commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the District. *Education Code 21.453*

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EHDB
(LEGAL)

GRADES 6–12

In accordance with local policy, a student in any of grades 6–12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70 percent on a criterion-referenced test approved by the Board for the applicable course. *19 TAC 74.24(c)(9)*

ADMISSIONS
INTERDISTRICT TRANSFERS

FDA
(LOCAL)

AUTHORITY	<p>The Superintendent is authorized to accept or reject any transfer requests, provided that such action is without regard to race, religion, color, sex, disability, national origin, or ancestral language.</p> <p>A resident student who becomes a nonresident during the course of a semester shall be permitted to continue in attendance for the remainder of the semester.</p>
TRANSFER REQUESTS	<p>A nonresident student wishing to transfer into the District shall file an application for transfer each school year with the Superintendent or designee. Transfers shall be granted for one regular school year at a time.</p>
FACTORS	<p>In approving transfers, the Superintendent or designee shall consider availability of space and instructional staff and the student's disciplinary history and attendance records.</p>
TRANSFER AGREEMENTS	<p>A transfer student shall be notified in the written transfer agreement that he or she must follow all rules and regulations of the District. Violation of the terms of the agreement may result in a transfer request not being approved the following year.</p>
TUITION	<p>If the District charges tuition, the amount shall be set by the Board, within statutory limits.</p>
WAIVERS	<p>The Board may waive tuition for a student based on financial hardship upon written application by the student, parent, or guardian. [See FP]</p>
NONPAYMENT	<p>The District may initiate withdrawal of students whose tuition payments are delinquent.</p>
APPEALS	<p>Any appeals shall be made in accordance with FNG(LOCAL) and GF(LOCAL), as appropriate.</p>

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LEGAL)

GENERAL RULE

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 18th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. Students enrolled in prekindergarten or kindergarten shall attend school.

STUDENTS 18 AND OVER

A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. The District may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester. A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

The Board may adopt a policy requiring the student to attend school until the end of the school year.

ACCELERATED /
COMPENSATORY
PROGRAMS

A student must also attend:

1. An extended-year program for which the student is eligible that is provided by the District for students identified as likely not to be promoted to the next grade level or tutorial classes required by the District under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];
4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
 - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete each course in which the student was enrolled at the time of removal. [See FO]
 - b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. [See FOCA]

Education Code 25.085

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LEGAL)

EXEMPTIONS

Students who meet one or more of the following conditions shall be exempt from compulsory attendance requirements:

EQUIVALENCY
DIPLOMA

1. The student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

PRIVATE OR HOME
SCHOOL

2. The student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper*, 893 S.W.2d 432 (Tex. 1994)

SPECIAL
EDUCATION —
NONDISTRICT
PLACEMENT

3. The student is eligible to participate in the District's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

MEDICAL
CONDITION

4. The student has a temporary and remediable physical or mental condition that renders attendance infeasible and the student has a certificate from a qualified physician that specifies the condition, indicates the prescribed treatment, and covers the anticipated time of absence needed for receiving and recuperating from remedial treatment.

EXPULSION — NO
JJAEP

5. The student has been expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]

17-YEAR-OLD IN
GED COURSE

6. The student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and:

- a. Has the permission of the student's parent or guardian to attend the course;
- b. Is required by court order to attend the course;
- c. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or
- d. Is homeless as defined by 42 U.S.C. 11302.

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HIGH SCHOOL REPLACEMENT PROGRAMS	7. The student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-YEAR-OLD IN GED PROGRAM OR JOB CORPS	8. The student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: <ul style="list-style-type: none">a. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; orb. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.
OTHER EXEMPTION	9. The student is specifically exempted under another law. <i>Education Code 25.086</i>
EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS	The District shall excuse a student from attending school for the following purposes:
RELIGIOUS HOLY DAYS	1. Observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.
COURT APPEARANCES	2. Attending a required court appearance. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.
CITIZENSHIP PROCEEDINGS	3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site. 4. Taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

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(LEGAL)

ELECTION CLERKS 5. Serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See EARLY VOTING CLERKS, below]

CHILDREN IN CONSERVATORSHIP OF DFPS 6. For a child in the conservatorship of the Department of Family and Protective Services (DFPS), attending a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263.

7. If the student is in the conservatorship of DFPS, participating in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours.

HEALTH-CARE APPOINTMENTS 8. Temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

Education Code 25.087(b), (b-3); 19 TAC 129.21(k) [See FEB]

HIGHER EDUCATION VISITS The District may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The District may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The District adopts:
 - a. A policy to determine when an absence will be excused for this purpose; and
 - b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2); 19 TAC 129.21(k)(9)

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EARLY VOTING CLERKS	The District may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. The District may excuse a student for serving as an election clerk [see ELECTION CLERKS, above] or early voting clerk for a maximum of two days in a school year. <i>Education Code 25.087(b-1), (d)</i>
MILITARY DEPENDENTS	The District shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. The District may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. <i>Education Code 25.087(b-4)</i> [See FDD]
TAPS AT MILITARY FUNERAL	In addition, the District may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. <i>Education Code 25.087(c)</i>
NO PENALTY	A student whose absence is excused for a reason described beginning at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the District.
MAKE-UP WORK	The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. <i>Education Code 25.087(d)</i>
OTHER EXCUSED ABSENCES	A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or Superintendent of the school in which the person is enrolled. <i>Education Code 25.087(a)</i>
TEMPORARY ABSENCES	
SPECIAL EDUCATION MATTERS	Students may be excused for special education assessment procedures and for special education-related services. <i>19 TAC 129.21(l)</i>
NOTICES TO PARENTS WARNING NOTICE	The District shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the

ATTENDANCE
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(LEGAL)

same school year or on three or more days or parts of days within a four-week period, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to prosecution under Education Code 25.094 or to referral to a juvenile court in a county with a population less than 100,000.

NOTICE OF
ABSENCES

The District shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
 - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school,
 - b. The parent is subject to prosecution under Education Code 25.093; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense to prosecution for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

NON-ATTENDANCE
PARENT LIABILITY

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued,
2. The parent with criminal negligence fails to require the child to attend school as required by law, and
3. The child has absences for the amount of time specified under Education Code 25.094.

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

AFFIRMATIVE
DEFENSE —
PARENT

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of the District to determine whether to excuse the absence for another purpose.

Education Code 25.093

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STUDENT LIABILITY A student who is 12 years of age or older and younger than 18 years of age, who is required to attend school under the compulsory attendance laws, and who fails to attend school on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period may be prosecuted for nonattendance in:

1. The constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of 1.75 million or more;
2. The justice court of any precinct in the county in which the student resides;
3. The justice court of any precinct in the county in which the school is located;
4. The municipal court in the municipality in which the child resides; or
5. The municipal court in the municipality in which the school is located.

Education Code 25.094(a)–(b)

CONDUCT IN
NEED OF
SUPERVISION

Conduct indicating a need for supervision includes the absence of a child on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school. “Child” means a person who is ten years of age or older, who is alleged or found to have engaged in the conduct as a result of acts committed before becoming 18 years of age, and who is required to attend school under Education Code 25.085. *Family Code 51.03(b)(2), (e-1)*

AFFIRMATIVE
DEFENSE —
STUDENT

It is an affirmative defense to prosecution for nonattendance or to an allegation of conduct in need of supervision that one or more of the absences required to be proven were excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute an offense.

A decision by the court to excuse an absence for this purpose does not affect the ability of the District to determine whether to excuse the absence for another purpose.

Education Code 25.094(f)–(g); Family Code 51.03(d)

DISTRICT COMPLAINT
OR REFERRAL

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, the District shall within ten school days of the student’s tenth absence:

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1. File a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Education Code 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000; or
2. Refer the student to a juvenile court for conduct indicating a need for supervision under Family Code 51.03(b)(2).

A court shall dismiss a complaint or referral by the District that does not comply with these requirements.

The District may take the actions listed above if a student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time specified above.

Education Code 25.0951

FILING
REQUIREMENTS

Each referral to juvenile court for conduct described by Family Code 51.03(b)(2) or complaint filed in county, justice, or municipal court alleging a violation by a student of Education Code 25.094 must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures [see FED] to the student, and the measures failed to meaningfully address the student's school attendance; and
2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A court shall dismiss a complaint or referral by a district that does not comply with these requirements.

Education Code 25.0915(b), (c)

STUDENT RECORDS

FL
(LOCAL)

COMPREHENSIVE
SYSTEM

The Superintendent or designee shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

CUMULATIVE RECORD

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See CPC]

CUSTODIAN OF
RECORDS

The principal is custodian of all records for currently enrolled students. The Superintendent is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

TYPES OF EDUCATION
RECORDS

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]

STUDENT RECORDS

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(LOCAL)

- c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

ACCESS BY PARENTS

The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requestor's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, principal's, or counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the rec-

STUDENT RECORDS

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(LOCAL)

ords during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]

ACCESS BY SCHOOL
OFFICIALS

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer, and any outside service provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" in a student's records when he or she is:

1. Working with the student;
2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or
5. Investigating or evaluating programs.

STUDENT RECORDS

FL
(LOCAL)

TRANSCRIPTS AND
TRANSFERS OF
RECORDS

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward in accordance with the time line provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. [See FD(LEGAL), REQUIRED DOCUMENTATION] The District may return an education record to the school identified as the source of the record.

RECORDS
RESPONSIBILITY FOR
STUDENTS IN SPECIAL
EDUCATION

The director of special education shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the special education office.

PROCEDURE TO
AMEND RECORDS

Within 15 District business days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten District business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten District business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 District business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

DIRECTORY
INFORMATION

The District has designated the following categories of information as directory information: student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended;

participation in officially recognized activities and sports; and
weight and height of members of athletic teams.

PUBLIC INFORMATION
DEFINED

For purposes of the Texas Public Information Act (PIA), “public information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By the Board;
2. For the Board and the Board:
 - a. Owns the information;
 - b. Has a right of access to the information; or
 - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of the District in the officer’s or employee’s official capacity and the information pertains to official business of the District.

“Official business” means any matter over which the District has any authority, administrative duties, or advisory duties.

Information is “in connection with the transaction of official business” if the information is created by, transmitted to, received by, or maintained by an officer or employee of the District in the officer’s or employee’s official capacity, or a person or entity performing official business or a governmental function on behalf of the District, and pertains to official business of the District.

The definition of “public information” above applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Gov’t Code 552.002(a)–(a-2), .003(2-a)

FORMS OF PUBLIC
INFORMATION

The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

PUBLIC INFORMATION PROGRAM

GB
(LEGAL)

4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

Gov't Code 552.002(b)-(c)

ONLINE MESSAGE
BOARD

If the Board maintains an online message board or similar Internet application under Government Code 551.006 [see BBI], and the Board removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the Board shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with the PIA. *Gov't Code 551.006(d)*

This introductory page outlines the contents of this legally referenced policy on access to public information. See the following sections for statutory provisions on:

SECTION I	Right of Access to Public Information	pages 2–4
SECTION II	Confidential Information under the Public Information Act or Other Law	pages 5–10
SECTION III	Information Excepted from Disclosure under Subchapter C of the Public Information Act	pages 10–15

SECTION I: RIGHT OF ACCESS TO PUBLIC INFORMATION

AVAILABILITY

Public information is available, at a minimum, to the public during the District's normal business hours. *Gov't Code 552.021*

INFORMATION THAT
MUST BE DISCLOSED

The following categories of information are public information and not excepted from required disclosure unless made confidential under Government Code Chapter 552 or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the District.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of the Board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.
6. A description of the District's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which the District's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the Board.
10. Any amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in adjudication of cases.

12. A policy statement or interpretation adopted or issued by the Board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under the District's policies.
15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
16. Information that is also contained in a public court record.
17. A settlement agreement to which the Board is a party.

Gov't Code 552.022

INVESTMENT
INFORMATION

Certain District investment information, as specified by Government Code 552.0225, is public information and not excepted from disclosure. *Gov't Code 552.0225*

SECURITY SYSTEM
INFORMATION

Financial information in the possession of the District that relates to the expenditure of funds by the District for a security system is public information that is not excepted from required disclosure under the Texas Public Information Act (PIA). *Gov't Code 418.182(b)*

PERSONAL
INFORMATION

EMPLOYEE / BOARD
MEMBER

Each District employee, other than a peace officer or security officer, and Board member and each former employee and Board member shall choose whether to allow public access to District-held information relating to the person's home address, home telephone number, emergency contact information, or social security number, or any other information that reveals whether the person has family members. However, the District may not require an employee or former employee of the District to choose whether to allow public access to the employee's or former employee's social security number.

Employees and Board members shall state their choice to a District's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the District ends. If an employee or Board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or Board member may make a written request at any time to the personnel officer to open or close the information. A written request made after the 14 days does not apply to an open records request made before the option was exercised.

Gov't Code 552.024; Tex. Att'y Gen. ORD 530 (1989)

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

GBA
(LEGAL)

NOTICE TO REQUESTOR	<p>If an employee or Board member has opted to restrict public access to his or her personal information, the District may redact the personal information from any information the District discloses without the necessity of requesting a decision from the attorney general. <i>Gov't Code 552.024(c)</i></p> <p>If the District redacts information under this provision, the District shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. <i>Gov't Code 552.024(c-2)</i></p>
SPECIAL RIGHTS OF ACCESS	
EMPLOYEES	<p>An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by the District that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests. [See DBA] <i>Gov't Code 552.023</i></p>
BOARD MEMBERS	<p>When acting in the member's official capacity, a Board member has an inherent right of access to information, documents, and records maintained by the District. "Official capacity" means all duties of office and includes administrative decisions or actions. [See BBE] <i>Education Code 11.1512; Atty. Gen. Op. JM-119 (1983)</i></p>
INFORMATION DISTRICT IS NOT REQUIRED TO RELEASE	
COMMERCIAL INFORMATION	<p>The District is not required to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the District for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, the District is not required to make a copy of the information in response to a request for public information. The District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the District. <i>Gov't Code 552.027</i></p>
REQUEST FOR INFORMATION FROM INCARCERATED INDIVIDUAL	<p>The District is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is subject to disclosure under the PIA. This section does not prohibit the District from disclosing to an incarcerated individual or the individual's agent information that pertains to the individual. <i>Gov't Code 552.028</i></p>
VOLUNTARY DISCLOSURE	<p>The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. <i>Gov't Code 552.007</i></p>

**SECTION II: CONFIDENTIAL INFORMATION UNDER THE
PUBLIC INFORMATION ACT OR OTHER LAW**

INFORMATION THAT MAY NOT BE DISCLOSED	A person commits a misdemeanor offense if the person distributes information considered confidential under the terms of the PIA. A violation of this section also constitutes official misconduct. <i>Gov't Code 552.352</i>
EMPLOYEE SOCIAL SECURITY NUMBERS	The social security number of an employee of the District in the custody of the District is confidential. <i>Gov't Code 552.147(a-1)</i>
EVALUATIONS	A document evaluating the performance of a teacher or administrator is confidential. <i>Education Code 21.355</i>
EDUCATOR CERTIFICATION EXAM	The results of an educator certification examination are confidential and are not subject to disclosure, unless: <ol style="list-style-type: none">1. The disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057; or2. The educator has failed the examination more than five times. <i>Education Code 21.048(c-1)</i>
CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS	A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the District is confidential. "Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to: <ol style="list-style-type: none">1. Obtain money, goods, services, or another thing of value; or2. Initiate a transfer of funds other than a transfer originated solely by paper instrument. The District may redact credit card, debit card, charge card, or access device numbers from any information the District discloses without the necessity of requesting a decision from the attorney general. The District shall provide the information required by Government Code 552.136 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. <i>Gov't Code 552.136</i>

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

GBA
(LEGAL)

E-MAIL ADDRESSES An e-mail address of a member of the public that is provided for
CONFIDENTIAL the purpose of communicating electronically with the District is con-
 fidential and not subject to disclosure unless the member of the
 public affirmatively consents to its release.

- EXCEPTIONS This confidentiality does not apply to an e-mail address:
1. Provided to the District by a person who has a contractual re-
 lationship with the District or by the contractor's agent;
 2. Provided to the District by a vendor who seeks to contract
 with the District or by the vendor's agent;
 3. Contained in a response to a request for bids or proposals,
 contained in a response to similar invitations soliciting offers
 or information relating to a potential contract, or provided to
 the District in the course of negotiating the terms of a contract
 or potential contract;
 4. Provided to the District on a letterhead, coversheet, printed
 document, or other document made available to the public; or
 5. Provided to the District for the purpose of receiving orders or
 decisions from the District, or for the purpose of providing
 public comment on or receiving notices related to an applica-
 tion for a license. A "license" under this section includes a
 state agency permit, certificate, approval, registration, or simi-
 lar form of permission required by law.

The District may also disclose an e-mail address for any reason to
another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2)

VICTIM OF ABUSE The name of a person who is enrolled in a public or private primary
OR IMPROPER or secondary school and involved in an improper relationship with
RELATIONSHIP an educator as provided by Penal Code 21.12(a) may not be re-
 leased to the public and is not public information subject to disclo-
 sure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or un-
lawful conduct by an educator is not public information subject to
disclosure. *Education Code 21.006(h)*

CRIME VICTIMS Information relating to a participant in the Address Confidentiality
Program for Victims of Family Violence, Sexual Assault, and Stalk-
ing under Code of Criminal Procedure Chapter 56, Subchapter C is
confidential, except as provided by Code of Criminal Procedure
56.90, and may not be disclosed. *Code of Criminal Procedure*
56.88

A District employee who is a victim under the Crime Victim Compensation Act may elect whether to allow public access to information held by the District that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the District, signed by the employee, and filed with the District before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132

CRIMINAL HISTORY
RECORDS

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

Criminal history record information obtained by the District from the Texas Department of Public Safety may not be disclosed to any person except:

1. The person who is the subject of the information;
2. The Texas Education Agency;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the District to provide student transportation; or
5. By court order.

Gov't Code 411.097(d)(2) [See CJA, DBAA]

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

GBA
(LEGAL)

SENSITIVE CRIME SCENE IMAGE A sensitive crime scene image in the custody of the District is confidential and excepted from the requirements of the PIA, regardless of the date that the image was taken or recorded.

“Sensitive crime scene image” means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person’s genitalia. The District may not permit a person to view or copy the image except as provided by Government Code 552.1085.

Gov’t Code 552.1085(a)(6), (c)

SCHOOL MARSHAL IDENTITY The identity of a school marshal appointed under Education Code 37.0811 is confidential except as provided by Occupations Code 1701.260(j). *Education Code 37.0811(g)*

CLOSED MEETING RECORDING / CERTIFIED AGENDA The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. *Gov’t Code 551.104(c); Att’y Gen. ORD 684 (2009)*

SECURITY INFORMATION Except as provided by the Texas Homeland Security Act, Government Code 418.182, information, including access codes and passwords, in the possession of the District that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. *Gov’t Code 418.182(a)*

The following information is confidential under Subchapter C of the PIA:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which the District’s or contractor’s electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; and
3. A photocopy or other copy of an identification badge issued to an official or employee of the District.

The District may disclose the information in items 1–3 above to a bidder if the District determines that providing the information is

necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007.

Gov't Code 552.139(b), (c)

MILITARY
DISCHARGE
RECORDS

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the District on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of the District. A district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140; Att'y Gen. ORD 684 (2009)*

RETIREMENT
ELIGIBILITY
RECORDS

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system, are confidential and not subject to public disclosure. This provision applies to records in the custody of the District acting in cooperation with or on behalf of the retirement system. A district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For purposes of Government Code 825.507, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

Gov't Code 552.0038, 825.507(g)

PEACE/SECURITY
OFFICER
INFORMATION

District information related to the home address, home telephone number, emergency contact information, date of birth, or social security number of a peace officer or commissioned security officer, or information that reveals whether the officer has family members, is confidential and may not be released if the officer chooses to restrict public access to the information by notifying the District on a form provided by the District with evidence of the individual's status.

In accordance with Government Code 552.1175(h), the District may redact information that must be withheld under this section from any information the District discloses under the PIA without the necessity of requesting a decision from the attorney general. If

the District redacts information under this provision, the District shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175

SECTION III: INFORMATION EXCEPTED FROM DISCLOSURE UNDER SUBCHAPTER C OF THE PUBLIC INFORMATION ACT

INFORMATION
EXCEPTED FROM
PUBLIC DISCLOSURE

Except for social security numbers or as otherwise provided by law, information that is not confidential, but is excepted from required disclosure under Government Code sections 552.101–.151, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the District. This paragraph does not limit the authority of the District to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*
2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*

Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and such dates are excepted from disclosure under Government Code 552.102(a), if the employees' privacy interests substantially outweigh the public interest in the information. *Texas Comptroller of Public Accts. v. Att'y Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010) (holding that a newspaper's stated reason for requesting state employees' dates of birth did not outweigh employees' privacy rights)*

3. Information in the custody of the District that relates to an employee or officer of the District if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

4. Information relating to litigation of a civil or criminal nature to which the District is, or may be, a party or to which an officer or employee of the District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the District's public information officer receives the request. *Gov't Code 552.103*
5. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*
6. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*
7. Drafts and working papers involved in the preparation of proposed legislation. *Gov't Code 552.106*
8. Information the District's attorney is prohibited from disclosing because of a duty to the District under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*
9. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
 - a. Information that deals with detection, investigation, or prosecution of crime; and
 - b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.*Gov't Code 552.108*
10. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*

11. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*
12. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*
13. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the District. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*
14. An audit working paper of an audit performed by the District auditor, including any audit relating to the criminal history background check of a public school employee. If information in an audit working paper is also maintained in another record, that other record is not excepted. *Gov't Code 552.116*
15. Student records, except to educational institution personnel, the student, the student's parents, guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D. Except as set forth in federal law (the Family Educational Rights and Privacy Act), the District shall not release personally identifiable information in education records without the written consent of the student's parents. *Gov't Code 552.114, 552.026 [See FL]*
16. Information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:
 - a. A current or former District employee or Board member, except as provided by Section 552.024; or
 - b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

Gov't Code 552.117
17. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:

- a. The officer is under indictment or charged with an offense by information;
- b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
- c. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

18. Test items developed by a state-funded educational institution. *Gov't Code 552.122*
19. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:
 - a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
 - b. To a person with a special right of access under Government Code 552.023; or
 - c. To a law enforcement agency or prosecutor under a court order or subpoena.

Gov't Code 552.124

20. The name of an applicant for Superintendent, except the Board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*
21. Motor vehicle record information that relates to:
 - a. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
 - b. A motor vehicle title or registration issued by an agency of this state or another state or country; or

- c. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), the District may redact motor vehicle or driver license information under this provision from any information the District discloses without the necessity of requesting a decision from the attorney general. The District shall provide the information specified at Government Code 552.130 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.130; Att'y Gen. ORD 684 (2009)

22. An informer's name or information that would substantially reveal the identity of an informer, unless:
 - a. The informer consents. If the informer is a student or former student, consent may also be given by the informer's legal guardian or spouse; or
 - b. The informer planned, initiated, or participated in the possible violation.

"Informer" means a student or former student or an employee or former employee of the District who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the District or the proper regulatory enforcement authority.

The informer's name may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the PIA.

Gov't Code 552.135

23. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the District, if that information relates to:
 - a. A trade secret of the business prospect; or

- b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

- 24. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

- a. By the Board; or
- b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the District or a reduction in revenue received by the District from any source.

Gov't Code 552.131(b), (c)

- 25. Information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. [See SECURITY INFORMATION, above]
Gov't Code 552.139(a)
- 26. The social security number of a living person. The social security number of a living person other than a District employee is not confidential, however. The District may redact the social security number of a living person from any information the District discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*
- 27. Information that would identify or tend to identify a District employee who is also a crime victim under Code of Criminal Procedure, Chapter 56, Subchapter B, regardless of whether the employee chooses to restrict public access to the information, until the third anniversary of the date the crime was committed. *Gov't Code 552.132*

This introductory page outlines the contents of this legally referenced policy on requests for public information. See the following sections for statutory provisions on:

SECTION I	Officer for Public Information and Required Notices	pages 2–3
	1. Duties	
	2. Training	
	3. Notice Regarding Public Information	
SECTION II	Access to Public Information	pages 3–7
	1. Procedural Rules Regarding Access	
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	4. Time for Response to Public Information Requests	
	5. Clarifying or Narrowing Scope of a Request	
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SECTION III	Attorney General Decisions	pages 7–11
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	1. Charges for 50 Pages or Less	
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SECTION V	Inspection of Public Information	pages 15–16
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SECTION VI	Miscellaneous Provisions	pages 16–19
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**SECTION I: OFFICER FOR PUBLIC INFORMATION AND
REQUIRED NOTICES**

OFFICER FOR PUBLIC
INFORMATION

The Superintendent shall be the District's officer for public information. Each department head shall be an agent of the officer for purposes of complying with the public information laws.

DUTIES

The officer is responsible for the release of public information as required by the Public Information Act (PIA), Government Code Chapter 552. The officer for public information shall:

1. Make public information available for public inspection and copying.
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.
3. Repair, renovate, or rebind public information when necessary to maintain it properly.

The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

Gov't Code 552.201(a)–.204

PUBLIC
INFORMATION
COORDINATOR

Within 90 days after assuming office, a public information coordinator shall complete a course of training regarding the responsibilities of the District and District officers and employees under Chapter 552 of the Texas Government Code (Public Information Act).

The training shall be not less than one nor more than two hours. The attorney general may provide the training and may also approve other acceptable sources of training.

The District shall maintain and make available for public inspection the record of a public information coordinator's completion of the training.

Gov't Code 552.012

SIGN

The officer for public information shall prominently display a sign in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of the District, and the procedures for inspecting or obtaining a copy of public information under the PIA. The officer shall display the sign at one or more places in the District's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and

2. Employees of the District whose duties include receiving or responding to public information requests.

Gov't Code 552.205

SECTION II: ACCESS TO PUBLIC INFORMATION

ACCESS TO PUBLIC INFORMATION

PROCEDURAL RULES

The District may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the PIA. *Gov't Code 552.230*

It shall be the policy of the District to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code 552.228*

TREATMENT OF REQUESTS

The officer for public information and agent shall not make an inquiry of a requestor, except to establish proper identification or to ask the requestor to narrow or clarify the request. The officer for public information or agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the PIA. *Gov't Code 552.222(a)-(b), .223-.224*

LOCATION OF ACCESS

An officer for public information complies with a request for public information by:

1. Providing the information for inspection or duplication in the District's offices (see TIME FOR EXAMINATION, below); or
2. Sending copies of the information by first class mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Subchapter F of the PIA (see COSTS AND CHARGES, below).

The PIA does not authorize a requestor to remove an original copy of a public record from the office of the District.

Gov't Code 552.221(b), .226

TIME FOR RESPONSE

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. The District may not automatically withhold for ten business days public information not excepted from disclosure.

INFORMATION ACCESS
REQUESTS FOR INFORMATION

GBAA
(LEGAL)

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable because it is in storage or active use, an officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Gov't Code 552.221; Tex. Atty. Gen. ORD 664 (2000)

REQUESTS TO
NARROW OR CLARIFY

If a large amount of information has been requested, the District may discuss with the requestor how the scope of the request might be narrowed, but the District may not inquire into the purpose for which the information will be used. If what information is requested is unclear to the District, the District may ask the requestor to clarify the request.

If the request included the requestor's physical or mailing address, the District must send the request for discussion or clarification to that address by certified mail. The written request for discussion or clarification must include a statement as to the consequences of failure by the requestor to timely respond. If the District does not receive a written response by the 61st day after the District sends the written request, the underlying request for public information is considered to have been withdrawn by the requestor.

Gov't Code 552.222(b), (d)–(f)

TIME FOR
EXAMINATION

A requestor shall complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within ten business days and does not file a request for additional time, the requestor is considered to have withdrawn the request.

The officer shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the

District. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov't Code 552.225

ELECTRONIC DATA

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. The District shall provide a copy in the requested medium:

1. If the District has the technological ability to produce the information in the requested medium;
2. If the District is not required to purchase any software or hardware to accommodate the request; and
3. Providing the copy will not violate any copyright agreement between the District and a third party.

If the District is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the District shall provide a copy in another medium that is acceptable to the requestor. The District is not required to copy information onto a diskette or other material provided by the requestor but may use District supplies.

Gov't Code 552.228

REQUESTS
REQUIRING
PROGRAMMING OR
MANIPULATION

The District shall provide the requestor a written statement, described below, if the District determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
 - a. Compliance with the request is not feasible or will result in substantial interference with operations; or
 - b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;

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4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general [see GBAA(EXHIBIT)]; and
5. A statement of the anticipated time required to provide the information in the requested form.

RESPONSE TIME
WHEN
PROGRAMMING OR
MANIPULATION IS
REQUIRED

The District shall provide the written statement to the requestor within 20 days after the date the District receives the request. The District has an additional ten days to provide the statement if the District gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

FURTHER ACTION

After providing the written statement described above, the District has no further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the information in the requested form according to the time and cost parameters set out in the written statement, or according to other terms to which the requestor and the District agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement, the requestor is considered to have withdrawn the request for information.

PROCESSING OF
REQUESTS

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. The District shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

Gov't Code 552.231

REPETITIOUS OR
REDUNDANT
REQUESTS

If the District determines that a requestor has made a request for information for which the District has previously furnished or made copies available to the requestor, the District may:

1. Respond to the request for information as set forth below, at PROCEDURES; or
2. Furnish the information or make the information available to the requestor again in accordance with the request. If the District selects this option, the District is not required to comply with the procedures described below.

Gov't Code 552.232(a)

These provisions do not apply to information not previously furnished to a requestor. The District shall treat a request for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, in the same manner as any other request for public information. *Gov't Code 552.232(d)*

PROCEDURES

The District shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date the District received the requestor's original request for that information;
3. The date the District previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or agent making the certification.

Gov't Code 552.232

SECTION III: ATTORNEY GENERAL DECISIONS

ATTORNEY GENERAL
DECISIONS

If the District receives a written request for information that the District considers to be within one of the exceptions to required disclosure and that the District wishes to withhold from public disclosure, the District shall request a decision from the attorney general about whether the information is within the exception (see SUBMISSION TO ATTORNEY GENERAL, below). For these purposes, the term "written request" includes a request sent by electronic mail or facsimile transmission to the officer or designee.

TIME FOR REQUEST

The District must submit the request to the attorney general not later than the tenth business day after receiving the written request. If the District does not timely request a decision from the attorney general and comply with the requirements at STATEMENT TO REQUESTOR, below, the information is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it.

Gov't Code 552.301(a)-(c), .302

	<p>The District may only request an attorney general decision if the District reasonably believes that the requested information is excepted from required disclosure. <i>Tex. Atty. Gen. ORD 665 (2000)</i></p>
CALCULATING TIMELINES	<p>For the purposes of Government Code sections 552.301–.308, if the District receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by the District on the third business day after the date of the postmark on a properly addressed request. <i>Gov't Code 552.301(a-1)</i></p> <p>When Government Code sections 552.301–.308 require a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the District submits the document through the attorney general's designated electronic filing system within that period. This provision does not affect the right of the District to submit information to the attorney general by mail under Government Code 552.308.</p> <p>When the attorney general is required to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the attorney general electronically transmits the document within that period.</p> <p><i>Gov't Code 552.309</i></p>
PREVIOUS DETERMINATIONS SAME INFORMATION	<p>Except as set forth at Government Code section 552.301(g), the District may not request an attorney general decision if the District has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is not within one of the exceptions. This exception applies to specific information that is again requested from the District after the attorney general has previously issued a decision regarding the precise information or records at issue. <i>Gov't Code 552.301(f); Tex. Atty Gen. ORD 673 (2001)</i></p>
CATEGORIES OF INFORMATION	<p>The District may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:</p> <ol style="list-style-type: none">1. The previous decision is applicable to a school district;2. The previous decision concludes that the category of information is or is not excepted from public disclosure;3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested

records and information at issue are or are not excepted from public disclosure; and

4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

Tex. Att'y Gen. ORD 673 (2001)

A district that relies on any previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying.

The District may withhold from public disclosure the categories of records listed at Texas Attorney General Open Records Decision 684 (2009).

Tex. Att'y Gen. ORD 684 (2009)

The District may withhold from public disclosure personally identifiable, non-directory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. 1232g [see FL]. *Tex. Att'y Gen. ORD 634 (1995)*

STATEMENT TO
REQUESTOR

If the District requests an attorney general decision, it shall provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the District wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and
2. A copy of the District's written communication to the attorney general asking for the decision. If the District's written communication to the attorney general discloses the requested information, the District shall provide a redacted copy of that written communication.

Gov't Code 552.301(d)

SUBMISSION TO
ATTORNEY
GENERAL

When the District requests an attorney general decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
2. A copy of the written request for information;

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3. A signed statement as to the date on which the written request for information was received by the District or evidence sufficient to establish that date; and
4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. The District shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

The District shall send a copy of the comments to the requestor not later than the 15th business day after the District receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code 552.301(e), (e-1)

Unless the information is confidential by law, the District may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the attorney general or a court with jurisdiction. *Gov't Code 552.303(a)*

ADDITIONAL
INFORMATION

If the attorney general determines that additional information is necessary to render a decision, the attorney general shall give the District and the requestor written notice of that fact. The District shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If the District does not comply with the attorney general's request, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Gov't Code 552.303(c)-(e)*

PRIVACY OR
PROPERTY
INTERESTS

If information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.104 (information related to competitive bidding), 552.110 (trade secrets), and 552.114 (student records), the District may decline to release the information for the purpose of requesting a decision from the attorney general. A person whose interests may be involved, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. The District may, but is not required to, submit its reasons why the information should be withheld or released. *Gov't Code 552.305(a)-(c)*

NOTICE TO
OWNER OF
PROPRIETARY
INFORMATION

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.113 (geological or geophysical information), or 552.131 (economic development information), a district that requests an attorney general decision shall make a good faith attempt to provide written notice to that person of its request. The notice must:

1. Be sent within a reasonable time not later than the tenth business day after the District receives the request for information; and
2. Include:
 - a. A copy of any written request the District received for the information; and
 - b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

Gov't Code 552.305(d)

SECTION IV: CHARGES REGARDING PUBLIC INFORMATION REQUESTS

COSTS AND CHARGES

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead. The charges shall not be excessive and shall not exceed the actual cost of producing the information or for making public information that exists in a paper record available.

Charges for providing a copy of public information are considered to accrue at the time the District advises the requestor that the copy is available on payment of the applicable charges.

50 PAGES OR LESS

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. The charge for providing a copy may not include costs of materials, labor, or overhead.

STATEMENT OF
LABOR COSTS

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public

information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

Gov't Code 552.261, .262(a)

ATTORNEY
GENERAL'S RULES

The District shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. [See GBAA(EXHIBIT)]

The District may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, the District may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the District requests an exemption. *Gov't Code 552.262(a); 1 TAC 70.1(b)*

EXEMPTIONS

The District may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges. The request must be made in writing to the attorney general and must state the reason for the exemption. If the District receives notice from the attorney general that an exemption has been granted, the District may amend its charges according to the attorney general's determination. *Gov't Code 552.262(c)*

COPIES FOR
PARENTS

The District may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

STATEMENT OF
ESTIMATED
CHARGES

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, the District shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the District regarding the alternative method. The District must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after the District provides the requestor the itemized statement but before it makes the copy or the paper record available, the District determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the District shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

REQUESTOR'S
RESPONSE

A request for which the District is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the District within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

ACTUAL
CHARGES

If the actual charges exceed \$40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

TIMING OF
DEADLINES

An original or updated itemized statement is considered to have been sent by the District, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the U.S. mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on the District for requesting a decision by the attorney general under Government Code 552, Subchapter G.

Gov't Code 552.2615

- DEPOSIT OR BOND The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:
1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (see STATEMENT OF ESTIMATED CHARGES, above); and
 2. The charge for providing the copy is estimated by the District to exceed \$100, if the District has more than 15 full-time employees, or \$50, if the District has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

Gov't Code 552.263(a), (b)

For the purposes of charging for providing copies of public information or for requesting an attorney general's opinion, a request for a copy of public information is considered to have been received by the District on the date the District receives the deposit or bond. *Gov't Code 552.263(e)*

A requestor who fails to make such a deposit or post such a bond before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request. *Gov't Code 552.263(f)*

- MODIFIED
REQUEST If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the District receives the written modified request. *Gov't Code 552.263(e-1)*

- UNPAID AMOUNTS The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes the District in relation to previous public information requests before preparing a copy of public information in response to a new request, if those unpaid amounts exceed \$100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

If the District receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the District as provided under Government Code 552.261(b), the District may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code 552.2661*

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DOCUMENTATION
OF UNPAID
AMOUNTS

The District must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure. *Gov't Code 552.263(d)*

WAIVERS

The District shall provide a copy of public information without charge or at a reduced charge if the District determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the public.

If the cost to the District of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the District may waive the charge.

Gov't Code 552.267

GOVERNMENT
PUBLICATION

The cost provisions described above do not apply to a publication that is compiled and printed by or for the District for public dissemination. If the cost of the publication is not determined by state law, the District may determine the charge for providing the publication, or the District may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code 552.270*

SECTION V: INSPECTION OF PUBLIC INFORMATION

INSPECTION OF
PUBLIC INFORMATION

If the requestor does not request a copy of public information, the District may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below. *Gov't Code 552.271(a)*

CONFIDENTIAL
INFORMATION

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, the District may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code 552.271(b)*

PAYMENT, DEPOSIT,
OR BOND

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

Gov't Code 552.271(c)

CERTAIN SMALL
DISTRICTS

If the District has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

ELECTRONIC
RECORDS

If the District receives a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, the District may not impose a charge for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, the District shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by the District, and the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the District's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, the District may impose charges.

If the District creates or keeps information in an electronic form, the District is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

Gov't Code 552.272

SECTION VI: MISCELLANEOUS PROVISIONS

LARGE OR FREQUENT
REQUESTS

PERSONNEL TIME

The District may establish a reasonable limit on the amount of time that District employees are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. The time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the District's fiscal year.

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REQUEST BY
MINOR

Any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

EXCEPTION

This section does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. A radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;
2. A newspaper that is qualified under Government Code 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
3. A newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or
4. A magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public

This section also does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state or a representative of a publicly funded legal services organization that is a federal tax exempt entity under Section 501(c)(3), Internal Revenue Code of 1986.

WRITTEN
STATEMENT OF
PERSONNEL TIME

If the District establishes a time limit, each time the District complies with a request for public information, the District shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. The amount of time spent preparing the written statement may not be included in the amount of time in the statement.

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WRITTEN ESTIMATE
OF CHARGES

If the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, the District shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The District shall provide the written estimate on or before the tenth day after the date on which the request was made. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general.

ADDITIONAL TIME

If the District provides the requestor with written notice that additional time is required to prepare the written estimate, the District must provide the written estimate as soon as practicable, but on or before the tenth day after the date the District provided the notice that additional time was required.

ACCEPTANCE OF
CHARGES

The District is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the District provided the written estimate, the requestor submits a written statement to the District in which the requestor commits to pay the lesser of:

1. The actual costs incurred in complying with the request, including the cost of materials, personnel time, and overhead; or
2. The amount stated in the written estimate.

If the requestor fails or refuses to submit a written statement, the requestor is considered to have withdrawn the request.

WAIVED OR
REDUCED
CHARGES

This section does not prohibit the District from providing a copy of public information without charge or at a reduced rate, or from waiving a charge for providing a copy of public information, under Government Code 552.267 [see WAIVERS, above].

Gov't Code 552.275

FILING SUIT TO
WITHHOLD
INFORMATION

The District may file suit seeking to withhold information if the District receives a determination from the attorney general that information must be disclosed to a requestor. The suit must be filed in Travis County district court against the attorney general and must seek declaratory relief from compliance with the attorney general's decision.

The District must bring the suit not later than the 30th calendar day after the District receives the attorney general's decision. If the District wishes to preserve an affirmative defense for its officer for

public information, as provided by Government Code 552.353(b)(3), the District must file suit not later than the tenth calendar day after receipt of the attorney general's decision.

Gov't Code 552.324, .353(b)(3)

PARENT'S REQUEST
FOR INFORMATION

A district that receives a request from a parent for public information relating to the parent's child shall comply with the PIA.

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the PIA, and that files suit to challenge a decision by the attorney general, must bring the suit not later than the 30th calendar day after the date the District receives the decision of the attorney general, unless an earlier deadline is established by the PIA.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution. Notwithstanding any other law, the District may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If the District does not bring suit within the period established, the District shall comply with the decision of the attorney general.

Education Code 26.0085

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CHARGING FOR
PERSONNEL TIME

After personnel of the District collectively have spent 36 hours of time producing public information for a requestor during the District's fiscal year, the District shall charge the requestor for any additional personnel time spent producing information for the requestor, in accordance with law.

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LEGAL)

APPLICABILITY OF
CRIMINAL LAWS

The criminal laws of the state apply to the areas under the control and jurisdiction of the Board. *Education Code 37.101*

TRESPASS

The Board or its authorized representative may refuse to allow persons having no legitimate business to enter on property under the Board's control and may eject any undesirable person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. *Education Code 37.105*

An unauthorized person who trespasses on the grounds of the District commits a Class C misdemeanor. *Education Code 37.107*

VEHICLES ON
SCHOOL PROPERTY

The Board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the Board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

DISRUPTION OF
LAWFUL ASSEMBLY

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LEGAL)

FREE SPEECH

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

DISRUPTION OF
CLASSES

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

DISRUPTION OF
TRANSPORTATION

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by the District. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LEGAL)

TOBACCO	The Board shall prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property. Students are prohibited from possessing tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. <i>Education Code 38.006</i>
SMOKING IN BUILDINGS	The District shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. <i>20 U.S.C. 6083; 20 U.S.C. 7183</i>
CRIMINAL PENALTY	A person commits an offense if he or she is in possession of a burning tobacco product or smokes tobacco in a facility of a public school or an elevator.
DEFENSE	It is a defense to prosecution that the District does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed \$500.
FACILITIES FOR EXTINGUISHMENT	The District shall be equipped with facilities for extinguishment of smoking materials. <i>Penal Code 48.01(a)-(c)</i>
ALCOHOL	The Board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. <i>Education Code 38.007(a)</i> [See FNCF regarding alcohol-free zones]
INTOXICANTS	A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while: <ol style="list-style-type: none">1. On the grounds or in a building of a public school; or2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held. <i>Education Code 37.122</i> [See also FNCF]
FIREWORKS	A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. <i>Occupations Code 2154.251(a)(1)</i>

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LEGAL)

FIREARMS / WEAPONS
– IN GENERAL

A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, illegal knife, or prohibited weapon [see FNCG]:

1. Onto the physical premises (a building or portion of a building) of a school;
2. Onto any grounds or into a building in which an activity sponsored by a school is being conducted; or
3. On a passenger transportation vehicle of a school.

This offense does not apply if the person is acting pursuant to written regulations or written authorization of the District.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a concealed handgun.

Penal Code 46.03(a)(1), (f)

PREMISES DEFINED

“Premises,” for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

EXCEPTED
PERSONS

Penal Code 46.03(a)(1) does not apply to:

1. Peace officers or special investigators regardless of whether engaged in the actual discharge of the officer’s or investigator’s duties;
2. Parole officers while engaged in the actual discharge of the officer’s duties;
3. Community supervision and corrections department officers while engaged in the actual discharge of the officer’s duties;
4. An active judicial officer who is licensed to carry a concealed handgun;
5. An honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency and is carrying a photo identification verifying that the officer or investigator qualifies for this exception;
6. A district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun;
7. An assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun;

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LEGAL)

8. A bailiff designated by an active judicial officer who is licensed to carry a concealed handgun and engaged in escorting the judicial officer; or
9. A juvenile probation officer who is authorized to carry a firearm.

Penal Code 46.15(a)

EXHIBITION OF
FIREARMS

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses or threatens to exhibit or use a firearm:

1. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
2. On a school bus being used to transport children to and from school-sponsored activities.

Education Code 37.125

CONCEALED
HANDGUN LICENSE
HOLDER

A concealed handgun license holder commits a Class A misdemeanor if the license holder:

1. Carries a handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden or that remaining on the property with a concealed handgun was forbidden and failed to depart.

NOTICE / SIGN

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.”; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height; and is displayed in a conspicuous manner clearly visible to the public.

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LEGAL)

EXCEPTION	<p>Penal Code 30.06 does not apply to property owned or leased by the District that is not a building, portion of a building, or at a high school sporting event, interscholastic event, or Board meeting.</p> <p><i>Penal Code 30.06</i> [See also FNCG]</p>
INTERSCHOLASTIC EVENTS	<p>A license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.</p> <p>Penal Code 46.035(b)(2) does not apply if the license holder is a participant in the event and a handgun is used in the event.</p> <p><i>Penal Code 46.035(b)(2)</i></p>
BOARD MEETINGS	<p>A license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed, at any meeting of the Board.</p> <p>Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06. [See NOTICE/SIGN, above].</p> <p><i>Penal Code 46.035(c), (i)</i></p>
BOARD AUTHORIZATION	<p>A license holder does not commit a criminal offense under Penal Code 46.035 [see INTERSCHOLASTIC EVENTS and BOARD MEETINGS, above] if the person is lawfully carrying a handgun pursuant to the Board's written regulations and authorization. <i>Att'y Gen. Op. GA-1051 (2014)</i> [See CKE(LEGAL), SECTION III]</p>
DEFENSE TO PROSECUTION	<p>It is a defense to prosecution under Penal Code 46.035(b) and (c) [see INTERSCHOLASTIC EVENTS and BOARD MEETINGS, above] that the actor, at the time of the offense, was:</p> <ol style="list-style-type: none">1. A judge or justice of a federal court;2. An active judicial officer;3. A district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; or4. A bailiff designated by an active judicial officer and engaged in escorting the officer. <p><i>Penal Code 46.035(h-1)</i></p>

COMMUNITY RELATIONS
ADVERTISING AND FUND RAISING IN THE SCHOOLS

GKB
(LOCAL)

PROMOTIONAL
ACTIVITIES

School facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the Superintendent or designee.

[For information relating to nonschool use of facilities, see GKD.]

ADVERTISING

For purposes of this policy, "advertising" shall mean a communication designed to attract attention or patronage by the public or school community and communicated through means under the control of the District in exchange for consideration to the District. "Advertising" does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to the District or school support organizations.

Advertising shall be accepted solely for the purpose of generating revenue for the District and not for the purpose of establishing a forum for communication. The District shall retain final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment. The District shall retain the authority to determine the size and location of any advertising. The District shall also reserve the right to reject advertising that is inconsistent with federal or state law, Board policy, District or campus regulations, or curriculum, as well as any content the District determines has a reasonable likelihood of exposing the District to controversy, litigation, or disruption.

Acceptance of advertising shall not constitute District approval or endorsement of any product, service, organization, or issue referenced in the advertising, nor shall acceptance of advertising from a vendor determine whether the District will purchase goods or services from the vendor through the District's formal procurement process.

[For information relating to school-sponsored publications, see FMA.]

