

Update 101 contains (LOCAL) policies that require board action before we can incorporate Update 101 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.

181906 West Orange-Cove CISD

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 101 have been adopted. (Visit <https://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 101 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, Elvia Garcia Donaldson, may contact you about these policies, if necessary.

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

Update 101

Policy On Line®
Adoption Notification Form

TASB Policy Service

Fax: 512-467-3618



Localized Policy Manual

Update 101

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.

West Orange-Cove CISD

Update 101 incorporates recent changes to the Administrative Code regarding board member training, depository contracts, superintendent severance payments, school nutrition policies, child abuse and neglect, and various instruction topics.

A recent commissioner of education decision prompted changes to all three of the local policies addressing grievances. Other local policies in Update 101 address purchasing, including submission of electronic bids or proposals, and the authority to approve variations to the school calendar and close schools for reasons of public health and safety.

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 101 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 101 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 101 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, Elvia Garcia Donaldson, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 101 . . .

- Board action on Localized Update 101 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 101, 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 101, 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 101 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 101 [with the following changes:]”
- The board’s action on Localized Update 101 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 101 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 101 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 101 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 101

District West Orange-Cove CISD

Code	Action To Be Taken	Note
BBD (LEGAL)	Replace policy	Revised policy
BDAE (LEGAL)	Replace policy	Revised policy
BE (LOCAL)	Replace policy	Revised policy
BJCE (LEGAL)	Replace policy	Revised policy
CH (LOCAL)	Replace policy	Revised policy
CKB (LEGAL)	Replace policy	Revised policy
CO (LEGAL)	Replace policy	Revised policy
DCA (LEGAL)	Replace policy	Revised policy
DCB (LEGAL)	Replace policy	Revised policy
DCC (LEGAL)	DELETE policy	See explanatory note
DF (LEGAL)	Replace policy	Revised policy
DFCA (LEGAL)	DELETE policy	See explanatory note
DGBA (LOCAL)	Replace policy	Revised policy
DK (EXHIBIT)	ADD exhibit	See explanatory note
DNA (LEGAL)	Replace policy	Revised policy
DNB (LEGAL)	Replace policy	Revised policy
EB (LOCAL)	Replace policy	Revised policy
EHAC (LEGAL)	Replace policy	Revised policy
EHBI (LEGAL)	Replace policy	Revised policy
EI (LEGAL)	Replace policy	Revised policy
EIE (LEGAL)	Replace policy	Revised policy
EKBA (LEGAL)	Replace policy	Revised policy
FDC (LEGAL)	Replace policy	Revised policy
FEC (LEGAL)	Replace policy	Revised policy
FFA (LOCAL)	No policy enclosed	See explanatory note
FFAD (LEGAL)	Replace policy	Revised policy
FFG (LEGAL)	Replace policy	Revised policy
FFG (LOCAL)	ADD policy	See explanatory note
FFG (EXHIBIT)	Replace exhibit	Revised exhibit
FL (LEGAL)	Replace policy	Revised policy
FMG (LOCAL)	Replace policy	Revised policy
FMH (LEGAL)	Replace policy	Revised policy

Instruction Sheet
TASB Localized Policy Manual Update 101

FNG	(LOCAL)	Replace policy	Revised policy
GF	(LOCAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 101

District: West Orange-Cove CISD
BBD (LEGAL) BOARD MEMBERS
TRAINING AND ORIENTATION

At the last regular board meeting of the calendar year, the board president must announce board member compliance with state training requirements. Due to amended State Board of Education (SBOE) rules, effective August 25, 2014, the board president must include an additional statement that completion of the required annual training is an obligation and expectation of any board member under SBOE rule. See REPORTING, beginning on page 1.

The amended rules also clarify that:

- The local district ORIENTATION for NEW MEMBERS must be at least three hours and must address local district practice in the areas of curriculum and instruction, business and finance operations, district operations, superintendent evaluations, and board member roles and responsibilities;
- The ORIENTATION for NEW MEMBERS to the Education Code and relevant legal obligations must be provided by an education service center, occur within the first 120 days of service instead of during the first year of service, and address Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction); and
- The annual TEAM BUILDING session must include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership.

An existing provision permitting CURRENT MEMBERS to attend the local district orientation and orientation to the Education Code offered to new board members was added on page 2.

Please note: To assist districts in complying with the SBOE requirements for announcing board member training, the *TASB Regulations Resource Manual* in the Policy Service Resource Library on myTASB includes an announcement template at BBD(EXHIBIT).

BDAE (LEGAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

Amended Administrative Code provisions, effective May 15, 2014, resulted in several changes to this legally referenced policy on depositories. At COMPETITIVE BIDDING and REQUESTS FOR PROPOSALS, the rules require the notices to include the Bid Form for Depository Services or the Proposal Form for Depository Services, as applicable, prescribed by SBOE rule.

In addition, the district is required to use the depository CONTRACT form included in the Administrative Code and, if applicable, the surety bond form and file the completed documents with TEA.

The school district depository contract and the bid/proposal form can be found at <http://www.tea.state.tx.us/index2.aspx?id=25769811504>.

BE (LOCAL) BOARD MEETINGS

Recommended changes to this local policy are to simplify the policy and make it more flexible to accommodate variations from the board's normal meeting practices. At MEETING PLACE AND TIME, rather than listing the regular meeting location, the policy language indicates that the notice shall reflect the date, time, and location of the meeting. This notice requirement applies whether the meeting is a regular, special, or emergency meeting. The policy also clarifies that when determined necessary and for the convenience of board members, the board president may change the date, time, or location of REGULAR MEETINGS with proper notice.

Explanatory Notes

TASB Localized Policy Manual Update 101

At AGENDA, DEADLINE, the former policy language required agenda items to be submitted by noon on the day indicated, which did not reflect common practice in most districts. The recommended text, listing only the day and not the time by which agenda items must be submitted, provides the district more flexibility.

Other recommended changes are to conform to policy style.

Please contact your policy consultant for an adjustment to this policy if any of the following information is incorrect: the day or time of your regular meetings, how special or emergency meetings are called, or the deadlines for submitting agenda items.

BJCE (LEGAL) SUPERINTENDENT SUSPENSION/TERMINATION DURING CONTRACT

This legally referenced policy addressing suspension or termination of the superintendent was revised to incorporate amendments to the Administrative Code effective August 7, 2014. If a district makes SEVERANCE PAYMENTS to the superintendent, the district must send to TEA the Superintendent Payment Disclosure Form, as well as the following documents: the superintendent's employment contract, a copy of the termination or severance agreement, and any information or documentation that the commissioner requests to determine if a payment is a severance payment.

The DEFINITION OF SEVERANCE PAYMENT includes any payment for actual or threatened litigation involving or related to the employment contract. Because damages for early termination of a contract are now encompassed in the broad definition of "severance payment," the amended rules deleted an unnecessary provision specifically addressing these damages.

CH (LOCAL) PURCHASING AND ACQUISITION

Under Texas law, a board may accept bids or proposals submitted electronically but only if the board adopts rules to ensure the identification, security, and confidentiality of the electronic bids or proposals and that the electronic bids or proposals remain effectively unopened until the proper time. The recommended text at ELECTRONIC BIDS OR PROPOSALS ensures that districts have appropriate policy provisions in place for any bids or proposals that the district chooses to accept electronically. The text does not obligate the district to accept bids or proposals electronically but does require that any such submission be administered in accordance with board-adopted rules that address the legal requirements.

References to board-adopted rules for electronic bids and proposals have also been added at COMPETITIVE BIDDING and COMPETITIVE SEALED PROPOSALS so it is clear that any board rules on electronic submissions will apply to electronic bids or proposals.

A recommended revision at RESPONSIBILITY FOR DEBTS clarifies that debts made in the name of the district must be consistent with the adopted budget, law, board policy, and the district's purchasing procedures. This text mirrors provisions at CE(LOCAL), not included in this update, regarding authorized expenditures.

To increase flexibility, at PURCHASE COMMITMENTS, the specific reference to purchase orders was replaced with a reference to the district's administrative procedures including any district purchasing procedures, where the district should outline the circumstances for when purchase orders are required.

At PERSONAL PURCHASES, the prohibition on employees making purchases for personal use was broadened to apply to all purchases, not just purchases of supplies or equipment.

Your local policy does not set a dollar amount for purchases that require board approval. Please contact your policy consultant if revisions are needed.

Explanatory Notes

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Please note: The *TASB Regulations Resource Manual*, available in the Policy Service Resource Library on myTASB, has a sample resolution that the board can use to establish rules for accepting electronic bids or proposals.

CKB (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT
ACCIDENT PREVENTION AND REPORTS

The statutory reference to the guidelines for Hazard Assessment and Personal Protective Equipment Selection has been updated in this legally referenced policy.

CO (LEGAL) FOOD SERVICES MANAGEMENT

New rules from the Texas Department of Agriculture (TDA), effective July 1 and September 1, 2014, repeal the former Texas Public School Nutrition Policy but continue the prohibitions on use of deep fat fryers and soft drinks.

The rules also place restrictions on the time and place for the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to revise their Wellness Policies to adopt alternative standards. **If your district wishes to adopt alternative standards, you will need to adjust your FFA(LOCAL) policy at this time. Please contact your policy consultant and see the note at FFA(LOCAL), below.**

More information may be found in the September 2014 TASB Policy Alert available at: <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Wellness.aspx> and in a helpful guidance document prepared by TDA, which reflects both the competitive food requirements and the time and place restrictions, available at: <http://www.squaremeals.org/Portals/8/files/NSLP/Competitive%20Foods%20School%20Guidance%20Rank%20Card.pdf>.

TDA will disallow meal reimbursement and require a corrective action plan for VIOLATIONS of the nutrition policy rules.

DCA (LEGAL) EMPLOYMENT PRACTICES
PROBATIONARY CONTRACTS

We have added an existing statutory provision to this legally referenced policy explaining that the probationary contract provisions in Education Code Chapter 21 Subchapter C do not apply to a superintendent or a person not entitled to a probationary, term, or continuing contract under Chapter 21, an existing contract, or district policy.

To assist districts with SBOE certification requirements for assignments, a cross reference to a new chart at DK(EXHIBIT) has also been added on page 1.

DCB (LEGAL) EMPLOYMENT PRACTICES
TERM CONTRACTS

This legally referenced policy on term contracts has been reorganized to better reflect statutory wording, delete provisions included at other policies, and reorder provisions for clarity.

We have added two existing statutory provisions:

Explanatory Notes

TASB Localized Policy Manual Update 101

- The text at ELIGIBLE EMPLOYEES lists the positions that the district may employ by term contract. To assist districts with SBOE certification requirements for assignments, a cross reference to a new chart at DK(EXHIBIT) has also been added at item 5.
- At EXCLUSIONS, new text explains that the term contract provisions in Education Code Chapter 21 Subchapter E do not apply to a person not entitled to a probationary, term, or continuing contract under Chapter 21, an existing contract, or district policy.

Please note: This policy addresses notification and distribution of the district's employment policies. To assist districts in complying with these obligations, TASB Policy Service publishes a Policy Alert: Employee Notification, available in the Policy Service Resource Library on myTASB, at <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Emp-Notification.aspx>.

DCC (LEGAL) EMPLOYMENT PRACTICES
CONTINUING CONTRACTS

We have confirmed that the district does not use continuing contracts for eligible professional employees. Therefore, this legally referenced policy is not necessary, and we recommend that it be deleted from your policy manual.

DF (LEGAL) TERMINATION OF EMPLOYMENT

Because the district does not use continuing contracts for eligible professional employees, we recommend replacing the legally referenced policy currently in your manual with this more appropriate version.

DFCA (LEGAL) CONTINUING CONTRACTS
SUSPENSION/TERMINATION

We have confirmed that the district does not use continuing contracts for eligible professional employees. Therefore, this legally referenced policy is not necessary, and we recommend that it be deleted from your policy manual.

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance would not start to run until after the employee had received a final response from the person conducting the informal process.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the employee knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to use of an informal conference before an employee may file a formal complaint.

The INFORMAL PROCESS encourages an employee to discuss concerns with his or her supervisor, principal, or other appropriate administrator. We have clarified that in the informal process an administrator with whom an employee discusses concerns must have the authority to address those concerns.

Explanatory Notes

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This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that employees must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with DGBA.
- NOTICE TO EMPLOYEES requires districts to inform employees of the policy through appropriate district publications. Most districts already do so in their employee handbooks.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by close of business on the deadline. Likewise, district responses can be sent by electronic communication to the employee's e-mail address of record. See FILING and RESPONSE.
- At SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the employee fails to appear at a scheduled conference, the district can hold the conference without the employee.
- LEVEL ONE, LEVEL TWO, and LEVEL THREE administrators must "schedule" rather than "hold" conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO, LEVEL THREE, and LEVEL FOUR specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL FOUR.

Similar changes have been made to FNG(LOCAL), addressing student and parent complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

DK (EXHIBIT) ASSIGNMENT AND SCHEDULES

This new exhibit outlining credential requirements for assignments is recommended for inclusion in your district's policy manual to serve as an easily referenced resource.

DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

A note with a reference to the commissioner rules on teacher standards, effective June 30, 2014, has been added on page 8.

Explanatory Notes

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DNB (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

A note with a reference to the commissioner rules on principal standards, effective June 30, 2014, has been added on page 2.

EB (LOCAL) SCHOOL YEAR

Revisions are recommended to this local policy addressing the school year. The policy has been reorganized to address the superintendent's authority to act in two critical situations: approving variations from the board-adopted school calendar, when necessary, and closing schools for reasons of public health and safety. These provisions ensure that the superintendent has the authority to act when an immediate need arises.

The detailed list of items to include on the school calendar is recommended for deletion, as development of a calendar for board approval is an administrative function.

EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM REQUIRED INSTRUCTION (SECONDARY)

Amendments to the Administrative Code, effective June 18, 2014, align the secondary curriculum requirements with the courses that districts must offer under House Bill 5. The GRADES 9–12 COURSE OFFERINGS must include at least one additional advanced English course (item 1). The list of science courses from which a district may choose now includes the Principles of Engineering (item 3). In the area of technology applications, districts must offer computer science I and II or AP computer science and at least two of the other courses listed (item 9).

New SBOE rules, effective August 25, 2014, address curriculum requirements for CPR INSTRUCTION. See page 7. The rules require districts to provide the instruction at least once to all students who entered grade 7 in or after the 2010–11 school year. The instructor is not required to be certified in CPR if the instruction is not intended to result in CPR certification. If a student with a disability is unable to complete the instruction, the student's ARD or Section 504 committee can waive the requirement.

EHBI (LEGAL) SPECIAL PROGRAMS ADULT AND COMMUNITY EDUCATION

In the 2013 Texas legislative session, adult education and literacy (AEL) programs were transferred from the SBOE and TEA to the Texas Workforce Commission (TWC). This legally referenced policy on adult and community education has been revised to reflect the new TWC rules that were adopted effective February 24, 2014. The rules clarify that the AEL STAFF DEVELOPMENT requirements do not apply to clerical or janitorial staff and that new AEL staff with assessment and instructional duties must receive six hours of professional development in addition to the 12 hours required annually.

Explanatory Notes

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EI (LEGAL) ACADEMIC ACHIEVEMENT

A new SBOE rule, effective June 18, 2014, requires districts to use an ACADEMIC ACHIEVEMENT RECORD form that includes student demographics, school data, student data, and the courses and credits that the student earned. The rules require that the academic achievement records indicate endorsements, performance acknowledgments, and the distinguished level of achievement, as appropriate.

EIE (LEGAL) ACADEMIC ACHIEVEMENT RETENTION AND PROMOTION

This legally referenced policy addressing retention and promotion has been reorganized for clarity and revised to reflect amendments to the Administrative Code, effective February 26, 2014. The amended rules rename the Grade Placement Committee Manual to the Student Success Initiative (SSI) manual, as reflected throughout the policy.

The STUDENT ADVANCEMENT provisions requiring academic achievement or demonstrated proficiency were moved to the beginning of the policy along with the grade 5 and 8 promotion requirements and notification of ADVANCEMENT REQUIREMENTS.

Provisions addressing accelerated instruction for unsatisfactory performance on assessment instruments have been deleted, as these provisions are not specific to promotion and retention. The policy now includes only the accelerated instruction requirements for UNSATISFACTORY PERFORMANCE ON GRADE ADVANCEMENT TESTS.

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

The commissioner rule addressing exemptions for English language learner (ELL) students who are administered the grade 10 TAKS was repealed effective March 5, 2014, since the exemptions are no longer relevant. As a result, we have deleted reference to these exemptions at DOCUMENTATION on page 1.

The commissioner rules addressing participation of ELL students in state assessments was amended to provide that ELL students enrolled in English I or English for Speakers of Other Languages I who meet certain criteria are not required to retake the English I EOC assessment each time it is administered if the students pass the course but not the EOC. See EXCEPTION on page 4. These students will use the English II EOC assessment to meet graduation requirements. The amendments also deleted references to the cumulative score and the requirement to count the assessment as 15 percent of a student's final grade in the course.

FDC (LEGAL) ADMISSIONS HOMELESS STUDENTS

This legally referenced policy on homeless students was revised to delete provisions requiring written notice to the parent of a homeless child explaining the general rights provided under the McKinney-Vento Act. These provisions apply only to specific schools for homeless children and do not apply to any Texas school districts.

Explanatory Notes

TASB Localized Policy Manual Update 101

FEC (LEGAL) ATTENDANCE
ATTENDANCE FOR CREDIT

For clarification, we have added an existing attorney general opinion JC-0398, which interprets the 90 percent attendance standard for a student to receive credit or a final grade. In the opinion, the attorney general determined that all absences are considered when calculating whether the student attended class for 90 percent of the days the class is offered.

FFA (LOCAL) STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

New rules from the Texas Department of Agriculture (TDA) place restrictions on the time and place for the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to revise their Wellness Policies to adopt alternative standards. If your district wishes to adopt alternative standards, you will need to adjust your policy at this time. Please contact your policy consultant.

More information may be found in the September 2014 TASB Policy Alert available at: <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Wellness.aspx> and in a helpful guidance document prepared by TDA, which reflects both the competitive food requirements and the time and place restrictions, available at: <http://www.squaremeals.org/Portals/8/files/NSLP/Competitive%20Foods%20School%20Guidance%20Rank%20Card.pdf>.

FFAD (LEGAL) WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

We have updated the link to the Texas Department of State Health Services information on communicable diseases on page 2.

FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

Revised commissioner rules, effective July 22, 2014, on reporting child abuse and neglect incorporate new statutory requirements made by Senate Bill 939, 83rd Texas Legislature, Regular Session.

At REPORTING POLICY, on page 4, the revisions require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect. See the explanatory notes for FFG(LOCAL) and FFG(EXHIBIT), below. Another requirement is for districts to provide training to district employees to increase awareness of sexual abuse and other maltreatment of children. During the 2014–15 school year, districts must provide this training to all current employees by the dates listed in the policy at ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT, beginning on page 5. Each year thereafter, districts must provide the training to all new employees as part of new employee orientation.

Districts must also place a poster that meets the listed specifications at each campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. See REQUIRED POSTER on page 6. A sample poster that meets the requirements can be found at <http://www.onewithcourage.org/take-action/for-educators>.

Explanatory Notes

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FFG (LOCAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

As noted above, revised commissioner rules now require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect. To satisfy this requirement, we recommend this new local policy for inclusion in the district’s policy manual. This policy requires individuals who have cause to believe that a child has been or may be abused or neglected to make a report as required by law and requires reports to be made in accordance with FFG(EXHIBIT).

A revised FFG(EXHIBIT) referencing this new local policy is included in this update to distribute to staff.

FFG (EXHIBIT) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

This exhibit has been updated to refer to the new local policy at FFG(LOCAL) addressing child abuse and neglect.

FL (LEGAL) STUDENT RECORDS

Districts must permanently maintain the ACADEMIC ACHIEVEMENT RECORD for each of their students. As reflected on page 4, a new SBOE rule, effective June 18, 2014, requires districts to use an academic achievement record form that includes student demographics, school data, student data, and the courses and credits that the student earned.

FMG (LOCAL) STUDENT ACTIVITIES
TRAVEL

Recommended revisions to this local policy are to simplify the policy and reflect common district practice. Although districts typically require students who participate in school-sponsored trips to use district transportation to and from the event, most districts permit exceptions, such as upon written request of the parent. Since these exceptions can differ by campus and sometimes by the type of activity, it is recommended that the policy refer to administrative regulations for the exceptions. See TRANSPORTATION FOR STUDENT TRAVEL.

The statement indicating that the district shall not be liable for student injuries incurred while using transportation not provided by the school is recommended for deletion because liability is determined by application of law and judicial precedent to individual situations.

The policy also reflects that the principal approves IN-STATE OVERNIGHT TRIPS and the superintendent approves OUT-OF-STATE TRIPS. **Please contact your policy consultant for an adjustment to this policy if the approvals reflected in the policy do not match the practices in your district.**

Explanatory Notes

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FMH (LEGAL) STUDENT ACTIVITIES COMMENCEMENT

We have added text from a revised SBOE rule, effective June 18, 2014, stating that a student who completes all graduation requirements except for required end-of-course assessments may be issued a CERTIFICATE OF COURSEWORK COMPLETION. A related provision from existing statute explains that a district may allow a student who receives a certificate of coursework completion to participate in graduation ceremonies.

FNG (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance would not start to run until after the employee had received a final response from the person conducting the informal process. These concepts from the commissioner decision would also apply in student and parent grievances.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the student or parent knew, or with reasonable diligence should have known of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to use of an informal conference before a student or parent may file a formal complaint.

The INFORMAL PROCESS encourages a student or parent to discuss concerns with the appropriate teacher, principal, or other campus administrator. We have clarified that in the informal process a campus administrator with whom a student or parent discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that students and parents must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with FNG. The requirement to submit complaints concerning DAEP has been deleted; these complaints may now be filed through FNG. Please note, however, that many districts' student codes of conduct specify the individual to whom these complaints must be filed. If that individual differs from the LEVEL ONE administrator, the complaint will need to be forwarded to the appropriate administrator listed in the SCOC.
- Item 5 at OTHER COMPLAINT PROCESSES has been revised to refer to failure to award a final grade on the basis of attendance.
- NOTICE TO STUDENTS AND PARENTS requires districts to inform students and parents of the policy through appropriate district publications. Most districts already do so in their student handbooks.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by close of business on the deadline. Likewise, district responses can be sent by electronic communication to the student's or parent's e-mail address of record. See FILING and RESPONSE.

Explanatory Notes

TASB Localized Policy Manual Update 101

- At SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the student or parent fails to appear at a scheduled conference, the district can hold the conference without the student or parent.
- LEVEL ONE and LEVEL TWO administrators must “schedule” rather than “hold” conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

GF (LOCAL) PUBLIC COMPLAINTS

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district’s grievance policy, an employee’s use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance did not start to run until after the employee had received a final response from the person conducting the informal process. These concepts from the commissioner decision would also apply in grievances from community members.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the individual knew, or with reasonable diligence should have known of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to the INFORMAL PROCESS before an individual may file a formal complaint.

The INFORMAL PROCESS encourages individuals to discuss their concerns with an appropriate administrator. We have clarified that in the informal process the administrator with whom an individual discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that individuals must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with GF.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by the close of business on the deadline. Likewise, district responses can be sent by electronic communication to the individual’s e-mail address of record. See FILING and RESPONSE.
- Also at SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the individual fails to appear at a scheduled conference, the district can hold the conference without the individual.

Explanatory Notes

TASB Localized Policy Manual Update 101

- LEVEL ONE and LEVEL TWO administrators must “schedule” rather than “hold” conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and FNG(LOCAL), addressing complaints by students and parents. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

GKD (LEGAL) COMMUNITY RELATIONS
NONSCHOOL USE OF SCHOOL FACILITIES

Provisions from Senate Bill 2, 83rd Texas Legislature, Regular Session, addressing CHARTER SCHOOLS' use of facilities have been incorporated into this legally referenced policy on nonschool use of school facilities. The provisions prohibit a district from requiring a campus or campus program charter created by converting an existing school district campus to purchase or rent a district facility as a prerequisite for use of the facility. In addition, the provisions prohibit a school district from requiring a campus or campus program charter or an open enrollment charter school to pay a contracted amount that is higher than the actual cost to the district for providing a service.

BOARD MEMBERS
TRAINING AND ORIENTATION

BBD
(LEGAL)

OPEN MEETINGS ACT
TRAINING

Within 90 days after taking the oath of office, each Board member shall complete training regarding the responsibilities of the Board and its members under Chapter 551 of the Government Code (Texas Open Meetings Act).

The training shall be not less than one and not 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 its members' completion of the training. The failure of one or more members of the Board to complete the training does not affect the validity of an action taken by the Board.

Gov't Code 551.005

PUBLIC INFORMATION
ACT TRAINING

Within 90 days after taking the oath of office, each Board member shall complete training regarding the responsibilities of the District and its officers and employees under Chapter 552 of the Government Code (Public Information Act). A Board member may designate a public information coordinator to satisfy the training for the Board member if the public information coordinator is primarily responsible for administering the responsibilities of the Board member or District under the Public Information Act. [See GBAA regarding public information coordinator training] *Gov't Code 552.012*

SBOE-REQUIRED
TRAINING

Each Board member must complete any training required by the State Board of Education (SBOE). The training requirement consists of orientation, team building, and annual continuing education. To the extent possible, the entire Board shall participate in training programs together. *Education Code 11.159; 19 TAC 61.1(b), .1(i)*

The SBOE's framework for governance leadership [see BBD(EXHIBIT)] shall be distributed annually by the Board President to all current Board members and the Superintendent. *19 TAC 61.1(a)*

No training shall take place during a Board meeting unless that meeting is called for the delivery of Board training. Training may take place before or after a legally called Board meeting in accordance with the Open Meetings Act. *19 TAC 61.1(c)*

Annually, the SBOE shall commend those teams that receive at least eight hours of training in team building and annual continuing education as an entire Board-Superintendent team. *19 TAC 61.1(k)*

REPORTING

Annually, at the last regular meeting of the Board held during a calendar year, the Board President shall announce, and the minutes

BOARD MEMBERS
TRAINING AND ORIENTATION

BBD
(LEGAL)

must reflect, the name of each Board member who has completed the required training, who has exceeded the required hours of training, and who is deficient in the required training as of the date of the meeting. The announcement shall include a statement that completion of the required annual training is an obligation and expectation of any Board member under SBOE rule. The Board President shall cause the minutes to reflect the information and shall make this information available to the local media. *Education Code 11.159; 19 TAC 61.1(j)*

ORIENTATION
NEW MEMBERS

Within 60 days before or after a Board member's election or appointment, the new Board member shall participate in a local orientation session. The purpose of this orientation is to familiarize the new Board member with local Board policies and procedures and District goals and priorities. The orientation shall be at least three hours in length for each new Board member and must address local District practices in curriculum and instruction, business and finance operations, District operations, Superintendent evaluation, and Board member roles and responsibilities. *19 TAC 61.1(b)(1)(A)*

Within the first 120 days of service, a newly elected Board member shall receive an orientation to the Education Code Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction). The orientation shall be delivered by a regional education service center and shall be no less than three hours in length. *19 TAC 61.1(b)(1)(B)*

CURRENT
MEMBERS

Any current Board member may attend or participate in the local District orientation and orientation to the Education Code offered to new Board members. *19 TAC 61.1 (b)(1)(A), (B)*

LEGISLATIVE
UPDATES

After each session of the Texas Legislature, each Board member shall receive an update to the basic orientation to the Education Code from a regional education service center or any registered provider. A Board member who has attended a basic orientation session given by a service center that incorporates the most recent legislative changes is not required to attend an additional legislative update. *19 TAC 61.1(b)(1)(C)*

TEAM BUILDING

Annually, the entire Board, including all Board members, shall participate with their Superintendent in a team building session facilitated by a regional education service center or any registered provider. The team building session shall be of a length deemed appropriate by the Board, but generally at least three hours.

The purpose of the team building session is to enhance the effectiveness of the Board-Superintendent team and to assess the con-

BOARD MEMBERS
TRAINING AND ORIENTATION

BBD
(LEGAL)

tinuing education needs of the Board-Superintendent team. The session shall include a review of the roles, rights, and responsibilities of the Board as outlined in the framework for governance leadership. The assessment of needs shall be based on the framework for governance leadership [see BBD(EXHIBIT)] and shall be used to plan continuing education activities for the governance leadership team for the upcoming year.

19 TAC 61.1(b)(2)

ANNUAL
CONTINUING
EDUCATION

In addition to the orientation and team building training, a Board member shall receive additional continuing education on an annual basis, in fulfillment of assessed needs and based on the framework for governance leadership. [See BBD(EXHIBIT)] The continuing education may be provided by a regional education service center or other registered provider. *19 TAC 61.1(b)(3)*

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with the Board member's District. No more than one hour of the required continuing education that is delivered by the District may use self-instructional materials. *19 TAC 61.1(h)*

FIRST YEAR

In the first year of service, a Board member shall receive at least ten hours of continuing education. Up to five of the required ten hours may be fulfilled through online instruction, provided the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. *19 TAC 61.1(b)(3)(A)*

SUBSEQUENT
YEARS

After the first year of service, a Board member shall receive at least five hours of continuing education annually. A Board member may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. *19 TAC 61.1(b)(3)(B)*

BOARD
PRESIDENT

The Board President shall receive continuing education related to leadership duties of the Board President as some portion of the annual requirement. *19 TAC 61.1(b)(3)(C)*

OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

BDAE
(LEGAL)

Note: Information regarding depository contracts for districts, including the forms referenced in this policy, is available at <http://www.tea.state.tx.us/index2.aspx?id=25769811504>.

SELECTION	The depository selected under the terms of this policy shall be a bank located in the state of Texas. The depository may be a state bank authorized and regulated under Texas law; a national bank, savings and loan association, or savings bank authorized and regulated by federal law; or a savings and loan association or savings bank organized under Texas law; but shall not be any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation (FDIC). <i>Education Code 45.201(2), .203</i>
METHOD	Not later than the 60th day before the date the District's current depository contract expires, the District shall choose whether to select a depository through competitive bidding or through requests for proposals. <i>Education Code 45.206(a)</i>
COMPETITIVE BIDDING NOTICE	If the District chooses to use competitive bidding, the District shall, not later than the 30th day before the date the current depository contract expires, mail to each bank in the District and, if desired, to other banks, a notice stating the time and place in which bid applications will be received for selecting a depository or depositories. The notice must include the uniform bid blank form Bid Form for Depository Services prescribed by State Board rule. <i>Education Code 45.206(a-1); 19 TAC 109.51(b), (c)</i>
REQUESTS FOR PROPOSALS NOTICE	If the District chooses to use requests for proposals, the District shall, not later than the 30th day before the date the current depository contract expires, mail to each bank located in the District and, if desired, to other banks, a notice stating the time and place in which proposals will be received for selecting a depository or depositories. The notice must include the uniform proposal blank form Proposal Form for Depository Services prescribed by State Board rule. The District shall state the selection criteria, including the factors specified under Education Code 45.207(c) [see FACTORS TO CONSIDER, below], in the request for proposals. <i>19 TAC 109.51(b), (d)</i>
BEST VALUE	The District shall select the proposal that offers the best value to the District based on the evaluation and ranking of each submitted proposal in relation to the stated selection criteria. The District may negotiate with the bank that submits the highest-ranked proposal to determine any terms of the proposed depository contract other than the interest rates proposed. <i>Education Code 45.206(a-2), (d)</i>

OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

BDAE
(LEGAL)

FACTORS TO
CONSIDER

Each bid or proposal received in accordance with these provisions shall be considered by the Board at a regular or special meeting. In determining the highest and best bid or the highest-ranked proposal, or in case of tying bids or proposals the highest and best tying bids or proposals, the Board shall consider the interest rate bid or proposed on-time deposits; the charge for keeping District accounts, records, and reports and furnishing checks; the ability of the bank submitting the bid or proposal to provide the necessary services and perform the duties as school district depository, and any other matters the Board considers to be in the best interests of the District. *Education Code 45.207(c)*

AWARD OF CONTRACT

The District shall award the depository contract to the bank that submits the highest bid or the highest-ranked proposal, except that the District may award the contract as provided by Education Code 45.207(a-1) [see TIE BIDS AND PROPOSALS, below] if:

1. The District:
 - a. Receives tying bids for the contract; or
 - b. After evaluating the proposals for the contract, ranks two or more proposals equally;
2. Each bank submitting a tying bid or proposal has bid or proposed to pay the District the maximum interest rates allowed by the Federal Reserve System and the FDIC; and
3. In the Board's judgment, the tying bids or proposals are otherwise equal.

Education Code 45.207(a)

TIE BIDS AND
PROPOSALS

In the case of tying bids or proposals, the Board may:

1. Award the contract to each of the banks submitting the tying bids or proposals; or
2. Determine by lot which of the banks submitting the tying bids or proposals will receive the contract.

Education Code 45.207(a-1)

REJECTION OF BIDS
OR PROPOSALS

The Board has the right to reject any and all bids or proposals.
Education Code 45.207(d)

COLLATERAL

In accordance with written Board policy, the District shall determine if an investment security is eligible to secure deposits of public funds covered by the Public Funds Collateral Act.

The policy may include the security of the institution that obtains or holds an investment security, the substitution or release of an in-

OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

BDAE
(LEGAL)

vestment, and the method by which an investment security used to secure a deposit of public funds is valued.

Gov't Code 2257.023

DUTIES

The depository shall:

TERM OF OFFICE

1. Serve for a term of two years and until its successor is duly selected and qualified, except that the District and its depository bank may agree to extend the contract for two additional two-year terms. The initial contract term and any extension must coincide with the District's fiscal year. An extension is not subject to the bid notice requirements of Education Code 45.206 [see METHOD, above]. *Education Code 45.205*

CONTRACT

2. Make and enter into a depository contract(s), bond(s), or other necessary instruments setting forth the duties and agreements pertaining to the depository. The District must use the prescribed uniform depository contract form, Depository Contract for Funds of Independent School Districts under the Texas Education Code, Chapter 45, Subchapter G, School District Depositories and, if applicable, surety bond form, Texas School Depository Surety Bond Form. The bid or proposal of the depository shall be attached to the contract and incorporated by reference in the contract. The District must file the completed contract and, if applicable, surety bond form with TEA. *Education Code 45.208(a), (e); 19 TAC 109.52*

AUTHORIZED
COLLATERAL

3. Secure public funds by eligible securities to the extent and in the manner required by the Public Funds Collateral Act. *Gov't Code, Ch. 2257*

OTHER DUTIES

4. Faithfully perform all legal duties and obligations and make payments from District funds upon order, duly entered, of the Board. *Education Code 45.208(c)(1)–(4)*
5. Faithfully keep and account for, according to law, all District funds and pay over to the successor depository all balances remaining in District accounts. *Education Code 45.208(c)(5), (6)*

BOARD MEETINGS

BE
(LOCAL)

MEETING PLACE AND TIME	The notice for a Board meeting shall reflect the date, time, and location of the meeting.
REGULAR MEETINGS	Regular meetings of the Board shall normally be held on the last Monday of each month at 6:00 p.m. When determined necessary and for the convenience of Board members, the Board President may change the date, time, or location of a regular meeting with proper notice.
SPECIAL OR EMERGENCY MEETINGS	<p>The Board President shall call special meetings at the Board President's discretion or on request by three members of the Board.</p> <p>The Board President shall call an emergency meeting when it is determined by the Board President or three members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.</p>
AGENDA DEADLINE	The deadline for submitting items for inclusion on the agenda is the seventh calendar day before regular meetings and the third calendar day before special meetings.
PREPARATION	<p>In consultation with the Board President, the Superintendent shall prepare the agenda for all Board meetings. Any Board member may request that a subject be included on the agenda for a meeting, and the Superintendent shall include on the preliminary agenda of the meeting all topics that have been timely submitted by a Board member.</p> <p>Before the official agenda is finalized for any meeting, the Superintendent shall consult the Board President to ensure that the agenda and the topics included meet with the Board President's approval. In reviewing the preliminary agenda, the Board President shall ensure that any topics the Board or individual Board members have requested to be addressed are either on that agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not have authority to remove from the agenda a subject requested by a Board member without that Board member's specific authorization.</p>
NOTICE TO MEMBERS	Members of the Board shall be given notice of regular and special meetings at least 72 hours prior to the scheduled time of the meeting and at least two hours prior to the time of an emergency meeting.
CLOSED MEETING	<p>Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, in accordance with law.</p> <p>The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BEC]</p>

BOARD MEETINGS

BE
(LOCAL)

- ORDER OF BUSINESS The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members.
- RULES OF ORDER The Board shall observe the parliamentary procedures as found in *Robert's Rules of Order, Newly Revised*, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.
- VOTING Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request. [See BDAA(LOCAL) for the Board President's voting rights]
- CONSENT AGENDA When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.
- MINUTES Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary.
- The official minutes of the Board shall be retained on file in the office of the Superintendent and shall be available for examination during regular office hours.
- DISCUSSIONS AND LIMITATION Discussions shall be addressed to the Board President and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.
- The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board President shall not interfere with debate so long as members wish to address themselves to an item under consideration.

SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

BJCE
(LEGAL)

SUSPENSION WITHOUT PAY	<p>The Board may, for good cause as determined by the Board, suspend the Superintendent without pay pending discharge or in lieu of termination. The suspension may not extend beyond the end of the school year. <i>Education Code 21.211(b)</i></p> <p>The procedures for hearings before a hearing examiner apply if the Superintendent requests a hearing after receiving notice of a proposed decision to suspend the Superintendent without pay. <i>Education Code 21.251(a)</i></p>
BACK PAY	<p>If no discharge occurs after a suspension without pay, the Superintendent is entitled to back pay for the period of suspension. <i>Education Code 21.211(c)</i></p>
SUSPENSION WITH PAY	<p>The Superintendent may be suspended with pay pending the outcome of a dismissal hearing. <i>Moore v. Knowles, 482 F.2d 1069 (5th Cir. 1973)</i></p>
CONTRACT TERMINATION	<p>The Board may terminate the Superintendent's term contract and discharge the Superintendent at any time for good cause as determined by the Board. <i>Education Code 21.211(a), .212(d)</i></p>
NOTICE	<p>Before dismissal for good cause, the Superintendent shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the Superintendent to show any error that may exist. <i>Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985)</i></p>
HEARING	<p>If the Superintendent desires a hearing before an independent hearing examiner on a proposed decision to terminate the Superintendent's term contract, the Superintendent shall file a written request with the Commissioner not later than the 15th day after receiving the written notice of the proposed action. The Superintendent shall provide a copy of the request to the District. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. <i>Education Code 21.251, .253 [See DFD]</i></p>
SEVERANCE PAYMENTS	<p>A board that makes a severance payment to the superintendent shall report the terms of the payment to the Commissioner.</p>
DUTY TO REPORT	<p>The interim Superintendent, new Superintendent, or Board President is responsible for timely filing a Superintendent Payment Disclosure Form with TEA. The District must file the Superintendent Payment Disclosure Form not later than 60 days after execution of an agreement to make payments of any kind to a departing Superintendent or any payment under such an agreement, whichever is sooner. No report is required for payments already earned and payable under the terms of a terminated employment contract, such as accrued vacation. Compliance with the reporting require-</p>

SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

BJCE
(LEGAL)

ment is part of the District's compliance with required financial accounting practices. Failure to comply may result in sanctions.

REQUIRED
DOCUMENTATION

The District must enclose with the submitted Superintendent Payment Disclosure Form a copy of the Superintendent employment contract and a copy of the termination or severance agreement. The District must provide the Commissioner with any information or documentation that the Commissioner requests under 19 Administrative Code 105.1021(b)(4) in order to determine if a payment constitutes a severance payment.

REDUCTION OF
STATE FUNDS

The Commissioner shall reduce the District's Foundation School Program (FSP) funds by any amount that the severance payment exceeds one year's salary and benefits under the Superintendent's terminated contract. The reduction shall be made for the school year following the school year in which the payment is made subject to an FSP reduction amount. The Commissioner shall also reduce the District's FSP funds in the school year following each school year that any additional payments are made to the former Superintendent requiring an FSP reduction. The District will be subject to reductions to FSP state funding for one or more school years until the liability amount has been liquidated in full, if the liability to the state exceeds the total flow of estimated earned revenue to the District under the FSP.

DEFINITION OF
SEVERANCE
PAYMENT

"Severance payment" means any amount paid by the Board to or on behalf of a Superintendent on early termination of the Superintendent's contract that exceeds the amount earned by the Superintendent under the contract as of the date of termination, including any amount that exceeds the amount of earned standard salary and benefits, that is paid as a condition of early termination of the contract. "Severance payment" includes any payment for actual or threatened litigation involving or related to the employment contract.

Payments to a former Superintendent who remains employed by the District in another capacity or contracts with the District for services may be severance payments in whole or in part, if the payments are compensation for the early termination of a prior employment agreement.

Education Code 11.201(c); 19 TAC 105.1021

PURCHASING AND ACQUISITION

CH
(LOCAL)

PURCHASING AUTHORITY	The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services.
PURCHASING METHOD	The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH(LEGAL).
COMPETITIVE BIDDING	<p>If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.</p> <p>The District may reject any and all bids.</p>
COMPETITIVE SEALED PROPOSALS	<p>If competitive sealed proposals are chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.</p> <p>The District may reject any and all proposals.</p>
ELECTRONIC BIDS OR PROPOSALS	Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.
RESPONSIBILITY FOR DEBTS	The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

PURCHASING AND ACQUISITION

CH
(LOCAL)

PURCHASE
COMMITMENTS

All purchase commitments shall be made by the Superintendent or designee in accordance with administrative procedures, including the District's purchasing procedures.

PERSONAL
PURCHASES

District employees shall not be permitted to make purchases for personal use through the District's business office.

SAFETY PROGRAM/RISK MANAGEMENT
ACCIDENT PREVENTION AND REPORTS

CKB
(LEGAL)

EYE AND FACE
PROTECTION
REQUIRED
DEVICES

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by District policy. *Education Code 38.005*

RECOMMENDED
GUIDELINES

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled "Eye and Face Protection," available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools TDSHS recommends the guidelines entitled, "Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection," available at 29 C.F.R. part 1910, subpart I, appendix B.

APPLICATION

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;
4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141-.142

FOOD SERVICES MANAGEMENT

CO
(LEGAL)

TEXAS DEPARTMENT
OF AGRICULTURE
SCHOOL NUTRITION
POLICIES

The District must comply with rules adopted by the Texas Department of Agriculture (TDA), which administers federal and state nutrition programs including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq.; and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

DEFINITIONS

“School day” means the midnight before, to 30 minutes after, the end of the official school day.

“School campus” means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

DEEP FAT FRYER
PROHIBITION

A district that participates in the NSLP or SBP may not utilize deep fat frying as a method of on-site preparation for foods served as part of reimbursable school meals or for foods sold or provided to students on the school campus during the school day. *4 TAC 26.2*

SOFT DRINK
PROHIBITION

Soft drinks may not be sold during the school day to any age group or grade in a district that participates in the NSLP or SBP. Soft drinks are defined as non-juice, carbonated beverages that contain natural or artificial sweeteners. *4 TAC 26.10*

TIME AND PLACE
RESTRICTIONS ON
COMPETITIVE
FOODS

“Competitive food” means all food and beverages other than meals reimbursed through the NSLP available for sale to students on the school campus during the school day. Competitive food must meet general nutrition standards established in federal regulations. *7 C.F.R. 210.11*

An elementary school campus may not serve competitive foods (or provide access to them through indirect sales) to students anywhere on the school campus throughout the school day except for those food items made available by the school food service department.

A middle or junior high school campus may not serve competitive foods (or provide access to them through indirect sales) to students anywhere on the school campus from 30 minutes before to 30 minutes after meal periods except for those food items made available by the school food service department.

High schools may not serve competitive foods (or provide access to them through indirect sales) to students during meal periods in areas where reimbursable school meals are served and/or consumed except for those food items made available by the school food service department.

4 TAC 26.11(a)

FOOD SERVICES MANAGEMENT

CO
(LEGAL)

ALTERNATIVE LOCAL STANDARDS	<p>A district that participates in the NSLP or SBP that wishes to adopt alternative local time and place standards in place of the standards above may adopt or revise its local wellness policy to include language that addresses time and place restrictions for the consumption of competitive foods.</p> <p>The Board must approve the wellness policy concerning time and place restrictions for competitive foods. Approved wellness policies and minutes documenting Board approval must be readily available for review by TDA upon request.</p> <p><i>4 TAC 26.11(b)</i> [See FFA for wellness policy requirements]</p>
VIOLATIONS	
DISALLOWANCE OF MEALS	<p>If TDA determines that the District has violated Texas School Nutrition Policies, it shall disallow meal reimbursement for the day(s) on which the violation occurred and require the District to reimburse the food service account for the disallowed reimbursement.</p>
CORRECTIVE ACTION PLAN	<p>A district that violates Texas School Nutrition Policies must also comply with a documented corrective action plan, approved by TDA. TDA will monitor the District to ensure compliance with the corrective action plan.</p>
APPEAL	<p>The District may request an appeal for a disallowance of meal reimbursements. The procedures for appeals arising out of TDA's administration of its food and nutrition programs are set out in 4 Administrative Code Chapter 1, Subchapter P, Division 6, 1.1050 – .1053 (relating to Appeal Procedures for the Food and Nutrition Programs).</p> <p><i>4 TAC 26.12</i></p>
LIMITATION ON SANCTIONS	<p>TDA may not impose on the District a sanction, including disallowing meal reimbursement, based on the sale to students at a high school of food of minimal nutritional value, if the sale is approved in advance by the school and is made:</p> <ol style="list-style-type: none">1. Outside of a school area designated for food service or food consumption or during a period other than a school meal service period; and2. For the purpose of raising money for a student organization or activity sponsored or sanctioned by the school or the school district in which the school is located. <p><i>Agriculture Code 12.0028</i></p>
LAUREN'S LAW	<p>The District may not adopt any rule, policy, or program under Education Code 28.002 that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:</p>

1. Children in the classroom of the child on the occasion of the child's birthday; or
2. Children at a school-designated function.

Education Code 28.002(1-3)(2)

EMPLOYMENT PRACTICES
PROBATIONARY CONTRACTS

DCA
(LEGAL)

PERSONS UNDER
PROBATIONARY
CONTRACTS

Except as provided below, each of the following persons shall be employed under a probationary contract when the person is employed by the District for the first time or if the person has not been employed by the District for two consecutive school years subsequent to August 28, 1967:

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. School counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B [see DK(EXHIBIT)].
6. Nurse.

EXCLUSIONS

Education Code Chapter 21, Subchapter C (relating to probationary contracts) does not apply to the Superintendent or a person who is not entitled to a probationary, continuing, or term contract under Education Code 21.002 [see DC(LEGAL) at CONTRACT EMPLOYEES], an existing contract, or District policy.

Education Code 21.101, .102(a)

EXCEPTIONS
REHIRES

A person who previously was employed as a teacher by the District, and after at least a two-year lapse in District employment returns to District employment, may be employed under a probationary contract. *Education Code 21.102(a)*

PRINCIPAL OR
CLASSROOM
TEACHER

The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Education Code Section 21.102. *Education Code 21.202(b)*

CHANGE IN
PROFESSIONAL
CAPACITY

An employee may be employed under a probationary contract if the employee voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Education Code Chapter 21, Subchapter B than the class of certificate held by the employee in the professional capacity in which the employee was previously employed.

This provision does not apply to an employee who is returned by the District to a professional capacity in which the employee was employed by the District before the District employed the employee

EMPLOYMENT PRACTICES
PROBATIONARY CONTRACTS

DCA
(LEGAL)

in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the employee during the previous employment by the District in that capacity.

Education Code 21.102(a-1) [See 19 TAC 230.33(b) for list of certificate classes]

TERM OF CONTRACT

A probationary contract may not be for a term exceeding one school year.

MAXIMUM

A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the District.

EXCEPTION

A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, the Board determines that it is doubtful whether a continuing contract or a term contract should be given. If the Board makes such a determination, the District may make a probationary contract for a term ending with the fourth consecutive school year.

Education Code 21.102

EMPLOYMENT PRACTICES
TERM CONTRACTS

DCB
(LEGAL)

ELIGIBLE EMPLOYEES	<p>The District may employ under a term contract:</p> <ol style="list-style-type: none">1. A principal.2. A supervisor.3. A classroom teacher.4. A school counselor.5. Any other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B [see DK(EXHIBIT)].6. A nurse.
EXCLUSIONS	<p>Education Code Chapter 21, Subchapter E (relating to term contracts) does not apply to a person who is not entitled to a probationary, continuing, or term contract under Education Code 21.002 [see DC(LEGAL) at CONTRACT EMPLOYEES], an existing contract, or District policy. <i>Education Code 21.201(l)</i></p>
PROBATIONARY CONTRACT PREREQUISITE	<p>Before a person may be employed under a term contract, the person must be employed under a probationary contract for the period provided by Education Code Chapter 21, Subchapter C [see DCA].</p>
EXCEPTION	<p>The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Education Code 21.102.</p> <p><i>Education Code 21.202(b)</i></p>
CONTRACT TERMS	<p>A term contract must be in writing and include the terms of employment prescribed by Education Code Chapter 21, Subchapter E. The Board may include other provisions in a term contract that are consistent with that subchapter. Each term contract is subject to the approval of the Board.</p> <p>The Board shall provide each term contract employee with a copy of the employee's contract.</p> <p><i>Education Code 21.204(a)-(d)</i></p>
MAXIMUM DURATION	<p>Once an employee has completed the probationary contract period, the duration of a term contract may not exceed five school years. <i>Education Code 21.205</i></p>
EMPLOYMENT POLICIES	<p>If the District has a website, the District shall place the Board's employment policies on that website. At each school in the District,</p>

EMPLOYMENT PRACTICES
TERM CONTRACTS

DCB
(LEGAL)

the Board shall make a copy of the employment policies available for inspection at a reasonable time on request.

On request, the Board shall also provide each term contract employee with a copy of the employment policies.

Education Code 21.204(d)

PROPERTY INTEREST

An employee does not have a property interest in a term contract beyond its term. *Education Code 21.204(e)*

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

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

WITHHOLDING
INFORMATION

An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts) and 21.211 (term contracts). *Education Code 26.008(b)*

DISCHARGE OF
CONVICTED
EMPLOYEES

The District shall discharge an employee if the District obtains information through a criminal history record information (CHRI) review that:

1. The employee has been convicted of:
 - a. A felony under Penal Code Title 5;
 - b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
 - c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

EXCEPTION

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

1. The date of the offense is more than 30 years before June 15, 2007; and
2. The employee satisfied all terms of the court order entered on conviction.

CERTIFICATION TO
SBEC

Each school year, the Superintendent shall certify to the Commissioner that the District has complied with the above provisions.

SANCTIONS

The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has been convicted of an offense described above.

OPTIONAL
TERMINATION

The District may discharge an employee if the District obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the District. An employee so discharged is

TERMINATION OF EMPLOYMENT

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(LEGAL)

considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085 [See DBAA]

CERTAIN OFFENSES
AGAINST STUDENTS

MANDATORY
TERMINATION

If the District receives notice that SBEC has revoked the certificate of a person based on conviction for a felony under Penal Code Title 5 or an offense requiring registration as a sex offender, and the victim of the offense is under 18 years of age, the District shall:

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

Education Code 21.058(a), (c)

DISCRETIONARY
TERMINATION

If the District becomes aware that a person employed by the District under a probationary, continuing, or term contract has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provision above, the District may:

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

Education Code 21.058(c-1)

NOTICE TO
EMPLOYEE

A person's probationary, continuing, or term contract is void if the District provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 21.058(c-2)*

NO APPEAL

Action taken by the District under the mandatory or discretionary terminations provisions above is not subject to appeal under Edu-

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(LEGAL)

Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 21.058(e)*

INVALID OR EXPIRED
CERTIFICATION

An employee's probationary or term contract is void if the employee:

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

Education Code 21.0031(a)

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

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and
3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

DISTRICT'S
OPTIONS

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

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

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

Education Code 21.0031(b)

TERMINATION OF EMPLOYMENT

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(LEGAL)

EXCEPTION	<p>The District may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:</p> <ol style="list-style-type: none">1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and2. Not later than the 10th day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC. <p><i>Education Code 21.0031(b-1)</i></p>
NO APPEAL OR CHAPTER 21 HEARING	<p>The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision. <i>Education Code 21.0031</i></p>
APPLICABILITY	<p>These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. <i>Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)</i></p>
REPORT TO SBEC OF EDUCATOR MISCONDUCT	<p>In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent must file a written report with SBEC not later than the seventh day after the Superintendent first obtains or has knowledge of information indicating that a certificate holder's employment at the District was terminated based on a determination that the certificate holder:</p> <ol style="list-style-type: none">1. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;2. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;3. Illegally transferred, appropriated, or expended funds or other property of the District;4. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation;5. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; or

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

6. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

The Superintendent may notify SBEC of any educator misconduct that the Superintendent believes in good faith may be subject to sanctions by SBEC.

[See DH(LEGAL) regarding contents of report to SBEC.]

Education Code 21.006; 19 TAC 249.14(d)

DEFINITIONS

'ABUSE'

"Abuse" includes the following acts or omissions:

1. Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
2. Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
3. Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
4. Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

19 TAC 249.3(1)

'SOLICITATION OF
A ROMANTIC
RELATIONSHIP'

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:

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(LEGAL)

- a. The nature of the communications;
 - b. The timing of the communications;
 - c. The extent of the communications;
 - d. Whether the communications were made openly or secretly;
 - e. The extent that the educator attempts to conceal the communications;
 - f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and
 - g. Any other evidence tending to show the context of the communications between educator and student.
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.
 3. Making sexually demeaning comments to a student.
 4. Making comments about a student's potential sexual performance.
 5. Requesting details of a student's sexual history.
 6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.
 7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
 8. Inappropriate hugging, kissing, or excessive touching.
 9. Providing the student with drugs or alcohol.
 10. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
 11. Any other acts tending to show that the educator solicited a romantic relationship with the student.

19 TAC 249.3(51)

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
OTHER COMPLAINT PROCESSES	<p>Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.4. Complaints concerning instructional materials shall be submitted in accordance with EFA.5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.
NOTICE TO EMPLOYEES	The District shall inform employees of this policy through appropriate District publications.
GUIDING PRINCIPLES INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

DIRECT COMMUNICATION WITH BOARD MEMBERS	Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.
FORMAL PROCESS	<p>An employee may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
WHISTLEBLOWER COMPLAINTS	Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Three. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]
COMPLAINTS AGAINST SUPERVISORS	Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.
GENERAL PROVISIONS FILING	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
SCHEDULING CONFERENCES	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee’s absence.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

RESPONSE	<p>At Levels One, Two, and Three, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s e-mail address of record, or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
DAYS	<p>“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>
REPRESENTATIVE	<p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

COMPLAINT AND
APPEAL FORMS

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refileing is within the designated time for filing.

AUDIO RECORDING

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the con-

ference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the executive director of human services to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

LEVEL THREE

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two appeal to the Level Three administrator. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator may set reasonable time limits for the conference.

The Level Three administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

LEVEL FOUR

If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Three response or, if no response was received, within ten days of the Level Three response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Three appeal. The employee may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The notice of appeal from Level Two to Level Three.
4. The written response issued at Level Three and any attachments.
5. All other documents relied upon by the administration in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board

with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

STATE BOARD FOR EDUCATOR CERTIFICATION
CRITERIA FOR ASSIGNMENT OF PUBLIC SCHOOL PERSONNEL

A public school employee must have the appropriate credentials for his or her current assignment unless the appropriate permit has been issued. The credentials appropriate to each assignment are set forth in the State Board for Educator Certification (SBEC) rules at 19 Administrative Code Chapter 231.

The following chart indicates where the credentialing requirements for various positions are located in the SBEC rules.

Category	Positions
Prekindergarten–Grade 6 Assignments. <i>19 TAC 231, Subch. B</i>	<ul style="list-style-type: none"> • Teachers
Grades 6–8 Assignments. <i>19 TAC 231, Subch. C</i>	<ul style="list-style-type: none"> • Teachers
Grades 6–12, Elective, Disciplinary, Local Credit, and Innovative Courses. <i>19 TAC 231, Subch. D</i>	<ul style="list-style-type: none"> • JROTC • Athletics, cheerleading, drill team, and marching band • DAEP • Advanced Placement and International Baccalaureate • Driver Education
Grades 9–12 Assignments. <i>19 TAC 231, Subch. E</i>	<ul style="list-style-type: none"> • Teachers
Special Education and Related Services Personnel. <i>19 TAC 231, Subch. F</i>	<ul style="list-style-type: none"> • Special Education Teachers • Teachers of Adaptive Physical Education • Full-time teachers of orthopedically impaired or other health impaired in a hospital class or home-based instruction • Teachers of students with visual impairments • Teachers of students with auditory impairments • Teachers of gifted and talented students • Special Education Counseling • Educational Diagnostician • Speech Therapy Services • Vocational Adjustment Counseling

ASSIGNMENT AND SCHEDULES

DK
(EXHIBIT)

Category	Positions
Paraprofessional Personnel. <i>19 TAC 231.641</i>	<ul style="list-style-type: none">• Educational Aides
Administrators and Other Instructional and Professional Support Personnel. <i>19 TAC 231.643</i>	<ul style="list-style-type: none">• Superintendent• Principal• Assistant Principal• School Counselor• Librarian• Athletic Director
Licensed Professional Support Personnel. <i>19 TAC 231.645</i>	<ul style="list-style-type: none">• Associate School Psychologist• Audiologist• Licensed Professional Counselor• Marriage and Family Therapist• Nurse• Occupational Therapist• Physical Therapist• Physician• School Psychologist• Social Worker• Speech Language Pathologist

PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS

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(LEGAL)

FREQUENCY Except as provided below, each teacher must be appraised at least once during each school year. *Education Code 21.203, .352(c); 19 TAC 150.1003(a)*

EXCEPTION A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. *Education Code 21.352(c)*

For purposes of the Professional Development and Appraisal System (PDAS), an area of deficiency is a domain. A teacher must be rated as at least proficient for each domain (that is, for all domains) to be eligible for less frequent appraisals.

District policy may stipulate:

1. Whether the exception is to be made available to all teachers;
2. Whether the exception is to be adopted Districtwide or is to be campus specific;
3. If the appraisal accompanying a teacher new to the District or campus meets the requirements for the exception, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and
4. Whether a certified appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies documented by cumulative data, including third-party information.

The District may choose annually to review the written agreement with the teacher. However, at the end of the school year, the District may modify exceptions through Board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous years.

19 TAC 150.1003(l)

INTERIM
EVALUATIONS AND
GUIDANCE

In addition to conducting a complete appraisal as frequently as required by Education Code 21.352(c), the District shall require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. The District shall give priority to conducting appropriate components more frequently for inexperienced teachers or

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	<p>experienced teachers with identified areas of deficiency. <i>Education Code 21.352(c-1)</i></p>
NOTICE AND USE OF EVALUATIONS	<p>The District shall use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions and developing career recommendations for the teacher. <i>Education Code 21.352(e)</i></p> <p>The District shall notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the District and the teacher to improve the overall performance of the teacher. <i>Education Code 21.352(f)</i></p>
ROLE OF EXTRACURRICULAR ACTIVITIES	<p>A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with extracurricular activities. <i>Education Code 21.353</i></p>
ACCESS TO EVALUATIONS	<p>The District shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.</p> <p>Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.</p> <p><i>Education Code 21.352(c)</i></p>
CONFIDENTIALITY	<p>A document evaluating the performance of a teacher is confidential. <i>Education Code 21.355</i></p>
CHOICE OF APPRAISAL METHOD	<p>The District shall use one of the following methods to appraise teachers:</p> <ol style="list-style-type: none">1. The appraisal process and performance criteria developed by the Commissioner [see STATE METHOD, below]; or2. A locally developed appraisal process and performance criteria [see DISTRICT OPTION and CAMPUS OPTION, below]. <p><i>Education Code 21.352(a); 19 TAC 150.1001(a)</i></p>
SELECTION OF APPRAISAL METHOD	<p>The Superintendent, with the approval of the Board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher-appraisal system must follow the requirements set forth below at DISTRICT OPTION or CAMPUS OPTION. <i>19 TAC .1001(c)</i></p>
INFORMATION TO SERVICE CENTER	<p>The Superintendent shall notify the executive director of the District's regional education service center of the District's choice of appraisal system(s), by a time designated by the Commissioner.</p>

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The District shall submit annually to its service center, in a manner prescribed by the Commissioner, a summary of the evaluation scoring from all campuses in the District.

19 TAC 150.1010

Note: The following provisions apply to teacher appraisal using the state appraisal method.

STATE METHOD
(PDAS)

The state appraisal method is the Professional Development and Appraisal System. The foundation for the PDAS is the teacher proficiencies described in *Learner-Centered Schools for Texas: A Vision of Texas Educators*. *19 TAC 150.1001(b), .1002(a)*

ORIENTATION AND
ANNUAL REVIEW

The District shall ensure that all teachers are provided with an orientation to the PDAS. The orientation shall be provided no later than the final day of the first three weeks of school and at least three weeks before the first observation. Additional orientations shall be provided any time substantial changes occur in the PDAS. The orientation shall include materials approved by the Commissioner.

In addition, at least three weeks before the first formal observation, all teachers to be appraised shall be provided an annual review of District policy regarding teacher appraisal and of 19 Administrative Code Chapter 150, Subchapter AA (Teacher Appraisal).

19 TAC 150.1007

APPRAISERS

The teacher appraisal process requires at least one certified appraiser.

A campus administrator who is a certified PDAS appraiser and approved by the Board shall conduct a teacher's appraisal. For the purposes of PDAS, a "campus administrator" includes a principal, an assistant principal, or other supervisory staff designated as an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification. Only in the event of the circumstances described below at SAME CAMPUS may an individual other than a campus administrator act as a certified appraiser.

SAME CAMPUS

A certified appraiser who is a classroom teacher may not appraise another classroom teacher at the same campus unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade-level whose job description includes classroom observation responsibilities.

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CERTIFICATION	<p>Before conducting appraisals, an appraiser must be certified by having satisfactorily completed uniform appraiser training. Periodic recertification and training shall be required.</p> <p><i>Education Code 21.351(c); 19 TAC 150.1006</i></p>
APPRAISAL CALENDAR	<p>The District shall establish a calendar for teacher appraisals. The appraisal period for each teacher must include all of the days of the teacher's contract.</p> <p>Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.</p> <p>The calendar shall:</p> <ol style="list-style-type: none">1. Exclude observations in the three weeks after the day of completion of the PDAS orientation in the school years when an orientation is required;2. Exclude observations in the three weeks after the day of completion of the PDAS orientation for teachers new to the PDAS;3. Exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required;4. Prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the Board; and5. Indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students. <p><i>19 TAC 150.1003(d)</i></p> <p>A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. <i>Education Code 21.352(d); 19 TAC 150.1003(c)</i></p>
APPRAISAL PROCESS	<p>The annual appraisal shall include:</p> <ol style="list-style-type: none">1. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the appraiser;2. Completion of Section I of the Teacher Self-Report Form that shall be presented to the principal;

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3. Cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations; and
4. A written summative annual appraisal report and a summative annual conference, described below.

19 TAC 150.1003(b)

SUMMATIVE REPORT A written summative annual appraisal report shall be shared with the teacher no later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period. *19 TAC 150.1003(h)*

SUMMATIVE CONFERENCE Unless waived in writing by the teacher, a summative conference shall be held within a time frame specified on the District calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources. *19 TAC 150.1003(i)*

TEACHER RESPONSE A teacher may submit a written response or rebuttal after receiving a written observation summary, summative annual appraisal report, and/or any other documentation associated with the teacher's appraisal. The rebuttal is to be attached to the evaluation in the teacher's personnel file. *Education Code 21.352(c); 19 TAC 150.1005(a)*

REQUEST FOR SECOND APPRAISAL A teacher may request a second appraisal by another certified appraiser after receiving a written observation summary and/or a written summative annual appraisal report. *Education Code 21.352(c); 19 TAC 150.1005(c)*

The District shall adopt written procedures for determining the selection of second appraisers. The procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed. *19 TAC 150.1005(g)*

INTERVENTION PLAN A teacher whose performance meets one of the following circumstances will be designated a "teacher in need of assistance":

1. A teacher who is evaluated as unsatisfactory in one or more domains; or
2. A teacher who is evaluated as below expectations in two or more domains.

When a teacher is designated as in need of assistance, the certified appraiser and the teacher's supervisor shall, in consultation with the teacher, develop an intervention plan. A teacher who has

not met all requirements of the intervention plan by the time specified may be considered for separation from the assignment, campus, and/or District.

An intervention plan may be developed at any time at the discretion of the certified appraiser when the certified appraiser has documentation that would potentially produce an evaluation rating of "below expectations" or "unsatisfactory."

19 TAC 150.1004

APPEALS

The District shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report. *19 TAC 150.1005(g)*

Note: The following provisions apply to teacher appraisal using the District-developed appraisal method.

DISTRICT OPTION

A district that does not want to use the PDAS must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined below.

The Texas Teacher Appraisal System (TTAS) is no longer a state-recommended system. However, the TTAS may be used as a local option governed by the process outlined below. If adopted as a local option, the TTAS must be modified to comply with Education Code 21.351(a)(1) and (2). [See APPRAISAL PROCESS, below]

DEVELOPMENT
OF APPRAISAL
SYSTEM

The District-level planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on each campus in the District.

APPRAISAL
PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and

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b. Performance of the teachers' students.

BOARD
ACCEPTANCE

The District-level planning and decision-making committee shall submit the appraisal process and criteria to the Superintendent, who shall submit the appraisal process and criteria to the Board with a recommendation to accept or reject.

The Board may accept or reject, with comments, the appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(a)

Note: The following provisions apply to teacher appraisal using the campus-developed appraisal method.

CAMPUS OPTION

A campus within the District may choose to develop a local appraisal system.

DEVELOPMENT OF
APPRAISAL SYSTEM

The campus planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the District-level planning and decision-making committee.

APPRAISAL
PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and
 - b. Performance of the teachers' students.

BOARD
ACCEPTANCE

Upon submission of the appraisal process and criteria to the District-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the Superintendent.

The Superintendent shall submit to the Board:

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1. The recommended campus appraisal process and criteria;
2. The District-level planning and decision-making committee's recommendation; and
3. The Superintendent's recommendation.

The Board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(b)

Note: The standards to be used to inform the training, appraisal, and professional development of teachers are outlined in 19 Administrative Code 149.1001.

PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

FREQUENCY	The employment policies adopted by the Board must require a written evaluation at annual or more frequent intervals of each superintendent, principal, supervisor, school counselor, or other full-time, certified professional employee, and nurse. <i>Education Code 21.203(a)</i>
ADMINISTRATOR APPRAISAL	<p>The District shall appraise each administrator annually using either:</p> <ol style="list-style-type: none">1. The Commissioner's recommended appraisal process and performance criteria; or2. An appraisal process and performance criteria developed by the District in consultation with the District- and campus-level committees and adopted by the Board. <p>District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months.</p> <p><i>Education Code 21.354(c), (d)</i></p>
PRINCIPALS	The information in the annual report describing the educational performance of each campus [see AIB] shall be a primary consideration of the Superintendent in evaluating campus principals. In addition, the appraisal of a principal shall include consideration of the student achievement indicators and the campus's objectives, including performance gains of the campus and the maintenance of those gains. <i>Education Code 21.354(e)</i>
SCHOOL COUNSELORS	The Commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors. <i>Education Code 21.356</i>
CONFIDENTIALITY OF EVALUATION	A document evaluating the performance of an administrator is confidential. <i>Education Code 21.355</i>
APPRAISAL PROCEDURES	<p>The following procedures for administrator appraisal are minimum requirements.</p> <p>The District shall establish an annual calendar providing for the following activities, which shall involve both the administrator and the appraiser:</p> <ol style="list-style-type: none">1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.2. Formative conference.3. Summative conference. <p><i>19 TAC 150.1022(a)</i></p>

PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

APPRAISAL
INSTRUMENT AND
PROCESS

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

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

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

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

DOMAINS

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

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

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

19 TAC 150.1021-.1022

Note: The standards, indicators, knowledge, and skills to be used to align with the training, appraisal, and professional development of principals are outlined in 19 Administrative Code 149.2001.

SCHOOL YEAR

EB
(LOCAL)

SCHOOL CALENDAR

The Superintendent shall be authorized to approve variations from the Board-adopted school calendar, as necessary.

SCHOOL CLOSURE

The Board delegates to the Superintendent the authority to close schools for reasons of public health and safety.

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. The District is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

GRADES 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. The District must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. The District may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

PHYSICAL ACTIVITY
REQUIREMENTS

The District shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the District's physical education curriculum.

The District may as an alternative require a student enrolled in a grade level for which the District uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

EXEMPTIONS

The District must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

The District may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The Board must certify the activity; and

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

3. The student must provide proof of participation in the activity.

A “structured activity” is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and
2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the Board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

FINE ARTS
REQUIREMENT

The District must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

HIGH SCHOOL
COURSES AT EARLIER
GRADES

The District may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

GRADES 9–12
COURSE OFFERINGS

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

The District shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two of the following:
 - a. Aquatic Science;
 - b. Astronomy;
 - c. Earth and Space Science;
 - d. Environmental Systems;

- e. Advanced Animal Science;
- f. Advanced Biotechnology;
- g. Advanced Plant and Soil Science;
- h. Anatomy and Physiology;
- i. Engineering Design and Problem Solving;
- j. Food Science;
- k. Forensic Science;
- l. Medical Microbiology;
- m. Pathophysiology;
- n. Scientific Research and Design; and
- o. Principles of Engineering.

The requirement to offer two additional courses may be reduced to one by the Commissioner upon application of a district with a total high school enrollment of less than 500 students.

Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.

- 4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, and Economics with Emphasis on the Free Enterprise System and Its Benefits.
- 5. Physical education — at least two of the following:
 - a. Foundations of Personal Fitness;
 - b. Adventure/Outdoor Education;
 - c. Aerobic Activities; or
 - d. Team or Individual Sports.
- 6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
 - a. Art I, II, III, IV;
 - b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or

- d. Dance I, II, III, IV.
- 7. Career and technical education [see EEL] — coherent sequences of courses selected from at least three of the following 16 career clusters:
 - a. Agriculture, Food, and Natural Resources;
 - b. Architecture and Construction;
 - c. Arts, Audio/Video Technology, and Communications;
 - d. Business Management and Administration;
 - e. Education and Training;
 - f. Finance;
 - g. Government and Public Administration;
 - h. Health Science;
 - i. Hospitality and Tourism;
 - j. Human Services;
 - k. Information Technology;
 - l. Law, Public Safety, Corrections, and Security;
 - m. Manufacturing;
 - n. Marketing;
 - o. Science, Technology, Engineering, and Mathematics; and
 - p. Transportation, Distribution, and Logistics.
- 8. Languages other than English — Levels I, II, and III or higher of the same language.
- 9. Technology applications — Computer Science I and Computer Science II or Advanced Placement (AP) Computer Science and at least two of the following:
 - a. Computer Science III;
 - b. Digital Art and Animation;
 - c. Digital Communications in the 21st Century;
 - d. Digital Design and Media Production;
 - e. Digital Forensics;

- f. Digital Video and Audio Design;
 - g. Discrete Mathematics for Computer Science;
 - h. Fundamentals of Computer Science;
 - i. Game Programming and Design;
 - j. Independent Study in Evolving/Emerging Technologies;
 - k. Independent Study in Technology Applications;
 - l. Mobile Application Development;
 - m. Robotics Programming and Design;
 - n. 3-D Modeling and Animation;
 - o. Web Communications;
 - p. Web Design; and
 - q. Web Game Development.
10. Speech — Communications Applications.
11. Personal financial literacy — The District shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the State Board of Education (SBOE). The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, the District may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction.

19 TAC 74.3(b)(2); Education Code 28.0021(b)

The District must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If the District will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

The District shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, the District shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

	<p>The District may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. <i>19 TAC 74.3(b)(3)</i></p>
APPLIED COURSES	<p>The District may offer the foundation curriculum required by the Recommended and Advanced/Distinguished Achievement High School Programs in an applied manner. The courses must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. <i>Education Code 28.025(b-4)</i></p>
RESEARCH WRITING COMPONENT	<p>For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. <i>19 TAC 74.3(b)(5)</i></p>
PARENTING AWARENESS PROGRAM HIGH SCHOOL MIDDLE AND JUNIOR HIGH SCHOOL PROGRAM REQUIREMENTS	<p>The District shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.</p> <p>The District may use the program in the District’s middle or junior high school curriculum.</p> <p>Implementation of this requirement shall comply with the requirement that the Board establish a local school health advisory council to assist the District in ensuring that local community values are reflected in the District’s health education instruction.</p> <p>The District may add elements at its discretion but must include the following areas of instruction:</p> <ol style="list-style-type: none">1. Parenting skills and responsibilities, including child support;2. Relationship skills, including money management, communication, and marriage preparation; and3. Skills relating to the prevention of family violence, only if the District’s middle, junior high, or high schools do not have a family violence program. <p>At the discretion of the District, a teacher may modify the suggested sequence and pace of the program at any grade level.</p>
LOCAL PROGRAMS AND MATERIALS	<p>The District may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:</p> <ol style="list-style-type: none">1. Child development;

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

2. Parenting skills, including child abuse and neglect prevention; and
3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

PARENT
PERMISSION

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

ALCOHOL
AWARENESS
INSTRUCTION

The District shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

The District shall choose an evidence-based alcohol awareness program to use in the District's middle school, junior high school, and high school health curriculum from a list of programs approved by the Commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

CPR INSTRUCTION

For all students who entered grade 7 in the 2010–11 school year and thereafter, the District shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

The District may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

WAIVERS FOR
STUDENTS WITH
DISABILITIES

The District may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code, Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

DONATIONS

The District may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR. The District may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

SPECIAL PROGRAMS
ADULT AND COMMUNITY EDUCATION

EHBI
(LEGAL)

ADULT EDUCATION The District shall provide, to the extent possible within available public and private resources, adult education programs designed to meet the education and training needs of adults. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development. *Labor Code 315.003*

ESSENTIAL PROGRAM COMPONENTS Adult Education and Literacy (AEL) programs shall provide the following essential program components:

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

40 TAC 805.4

DIPLOMA REQUIREMENTS The standards for awarding diplomas to adults shall be those established in 19 Administrative Code Chapter 74, Subchapter A (relating to Curriculum Requirements) except:

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

40 TAC 805.5 [See EIF]

SPECIAL PROGRAMS
ADULT AND COMMUNITY EDUCATION

EHBI
(LEGAL)

STAFF DEVELOPMENT All AEL staff hired after July 1, 2013, excluding clerical and janitorial staff, shall receive at least 12 clock hours of professional development annually. All staff members new to AEL and assigned assessment and instructional duties shall receive six clock hours of in-service professional development before they begin work in assessment and instructional activities, in addition to the required annual professional development. Aides shall have at least a high school diploma or a high school equivalency certificate.

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

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

These staff development requirements apply to volunteers who generate student contact time that is part of the AEL program and is reported to the Texas Workforce Commission for funding purposes.

40 TAC 805.21

TUITION AND FEES Tuition and fees shall not be charged unless the District is statutorily authorized to do so. Funds generated by tuition and fees shall be used for the AEL instructional program. *40 TAC 805.45*

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

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

Education Code 29.256

ACADEMIC ACHIEVEMENT

EI
(LEGAL)

AWARD OF CREDIT	The award of credit for a course affirms that a student has satisfactorily met state and local requirements. <i>19 TAC 74.26(a)</i>
EARLY AWARD OF CREDIT	The District may offer courses designated for grades 9–12 in earlier grade levels. Credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. <i>19 TAC 74.26(b)</i>
PARTIAL AWARD	In accordance with the District's local policy, a student who is able to successfully complete only one semester of a two-semester course can be awarded credit proportionately. <i>19 TAC 74.26(d)</i>
ATTENDANCE FOR CREDIT OR FINAL GRADE	Unless credit is awarded by the attendance committee, or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. <i>Education Code 25.092</i>
GRADUATION REQUIREMENTS	Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. <i>19 TAC 74.26(a)(1), (c)</i>
ACADEMIC ACHIEVEMENT RECORD	<p>Following guidelines developed by the Commissioner, the District shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.</p> <p>The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by the District.</p> <p>Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.</p> <p>A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).</p>

ACADEMIC ACHIEVEMENT

EI
(LEGAL)

Copies of the record shall be made available to students transferring to another district. The District shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)

TRANSCRIPT SEALS Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

ENDORSEMENT Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript) and on the diploma.

PERFORMANCE ACKNOWLEDGMENT Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript) and on the diploma.

DISTINGUISHED LEVEL OF ACHIEVEMENT Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript) and on the diploma.

Education Code 28.025(e-1); 19 TAC 74.5(f)–(h), .11(b)

CERTIFICATE OF COURSEWORK COMPLETION A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. [See FMH for participation in graduation ceremony] *19 TAC 74.5(i)*

EARLY HIGH SCHOOL GRADUATION SCHOLARSHIP PROGRAM For purposes of the Early High School Graduation Scholarship Program, a student who does not satisfy the curriculum requirements for a recommended or advanced high school program is considered to have satisfied those requirements if the high school from which the student graduated indicates on the student's transcript that the student was unable to complete the appropriate curriculum within the time prescribed solely because of a reason beyond the student's control, such as lack of enrollment capacity or a shortage of qualified teachers. *Education Code 56.203(d)*

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

STUDENT
ADVANCEMENT

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. [See EI]

In determining promotion, the District shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the District.

Education Code 28.021(a), (c)

GRADE
ADVANCEMENT
(GRADES 5 AND 8)

In addition to Board policy relating to student advancement, students in grades 5 and 8 must demonstrate proficiency in reading and mathematics, as required by Education Code 28.0211(a), in order to advance to the next grade.

A student demonstrates proficiency by meeting the passing standard on the appropriate assessment instrument specified by 19 Administrative Code 101.2003(a) [see GRADE ADVANCEMENT TESTING, below] or on a state-approved alternate assessment authorized by 19 Administrative Code 101.2011 [see ALTERNATE ASSESSMENT, below].

A student who does not demonstrate proficiency may advance to the next grade only if:

1. The student has completed the required accelerated instruction under 19 Administrative Code 101.2006 [see ACCELERATED INSTRUCTION, below];
2. The student's grade placement committee (GPC) determines by unanimous decision, in accordance with the standards for promotion established by the Board, that the student is likely to perform at grade level at the end of the next year given additional accelerated instruction. In accordance with Education Code 28.021, to determine grade promotion, the District is required to consider:
 - a. The recommendation of the student's teacher;
 - b. The student's grades;
 - c. The student's assessment scores; and

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

- d. Any other necessary academic information; and
3. In accordance with Education Code 28.0211(n), the District will ensure that the student who is promoted by the GPC under 19 Administrative Code 101.2007 shall be assigned to a teacher who meets all state and federal qualifications to teach the subject and grade in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Education Code 28.0211(a).

Education Code 28.0211(a); 19 TAC 101.2001(b)

ADVANCEMENT
REQUIREMENTS

By the start of the school year, the District shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

The Superintendent shall also notify parents of the grade advancement requirements under Education Code 28.0211 at the beginning of the school year. The District shall implement grade advancement requirements in accordance with 19 Administrative Code Chapter 101, Subchapter BB and the TEA procedures outlined in the official Student Success Initiative (SSI) manual, published annually by TEA. *19 TAC 101.2001(a), .2009(a)*

RETENTION

The District is not precluded from retaining, in accordance with state law or Board policy, a student who performs satisfactorily on a grade advancement test. *Education Code 28.0211(g)*

Students who have been retained in grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which caused the student to be retained. *19 TAC 101.2019(a)*

GRADE
ADVANCEMENT
TESTING

The District shall test eligible students in accordance with the grade advancement requirements set forth below.

ELIGIBLE
STUDENTS

An eligible student is subject to all grade advancement requirements, including automatic retention, if the student is enrolled in a district on any day between January 1 and the date of the first administration of the grade advancement assessments.

An eligible student who does not meet the criteria specified above but enrolls in the District at any time after the date of the first administration of the grade advancement assessments is not subject to the grade advancement requirements.

The District must provide the student the opportunity to test and access to accelerated instruction.

19 TAC 101.2003(b)-(c)

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

REQUIRED
ASSESSMENT

A student may not be promoted to:

1. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or
2. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments.

Education Code 28.0211(a); 19 TAC 101.2003

EXCEPTION

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or
2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)–(p); 19 TAC 101.2001(d)

TEST SCHEDULE

TEA shall provide three opportunities per year for the tests required for grade advancement. The Superintendent shall establish procedures to ensure that:

1. Each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and
2. Each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation,

including an alternate assessment, so that the GPC has sufficient evidence for its review upon appeal by a parent or guardian.

19 TAC 101.2005(b)–(c)

The District must accommodate the request of an out-of-District student to participate in the third administration of a test required for grade advancement if the District is testing one or more local students on the applicable test and if the out-of-District student has registered to take the test by a date determined by TEA. *19 TAC 101.2005(d)*

NOTICE OF GRADE
ADVANCEMENT
TESTING
REQUIREMENTS

The Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement;
2. Notifying each student in grades 1–8 who is new to the District and the student's parent or guardian in writing of the testing requirements for grade advancement; and
3. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.3012(b)

UNSATISFACTORY
PERFORMANCE
ON GRADE
ADVANCEMENT TESTS

The District shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*

ACCELERATED
INSTRUCTION

Each time a student fails to perform satisfactorily on a grade advancement test, the District shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the SSI manual, which districts may use for developing accelerated instruction.

BEFORE THE
NEXT SCHOOL
YEAR

A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable assessment. An accelerated instruction group for students who have failed an assessment may

not have a ratio of more than ten students for each teacher per class.

Education Code 28.0211(c); 19 TAC 101.2006(e)(1)

DURING THE
NEXT SCHOOL
YEAR

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. The District shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The District shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the District regularly administers the assessment instrument for that school year. *Education Code 28.0211(f)*

TRANSPOR-
TATION

The District shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j); 19 TAC 101.2006(b)*

NOTICE TO
PARENTS OF
PERFORMANCE
AND ACCELERATED
INSTRUCTION

In addition to providing the accelerated instruction, the District shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever the District is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the District shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

AFTER EARLY
IDENTIFICATION OF
AT-RISK STUDENTS
NOTICE

The District shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the assessment required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination.

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

This notice shall include accelerated instruction participation requirements as stipulated by 19 Administrative Code 101.2006 and be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

AFTER FIRST
TESTING
OPPORTUNITY
NOTICE

The District shall establish procedures to notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement assessment. This notification should be made within five working days of the District's receipt of student assessment results from this administration. This notice shall include the student's assessment results, a description of the District's grade advancement policy, the required accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. *19 TAC 101.2009(c)*

AFTER SECOND
TESTING
OPPORTUNITY
NOTICE

Within five working days of the District's receipt of student assessment results for the second administration of the assessment required for grade advancement, the District shall notify the campus principal of student assessment results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the assessment results. This notice shall include a description of the purpose and responsibilities of a GPC and the time and place for the first meeting of the GPC. *19 TAC 101.2007(c)*

GRADE
PLACEMENT
COMMITTEE

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time. The Superintendent shall establish procedures for convening the GPC.

In accordance with 19 Administrative Code 101.2006(d), decisions by the GPC shall be made on an individual student basis, address required participation of the student in accelerated instruction, and ensure the most effective instruction to support the student's academic achievement on grade level.

The GPC shall be composed of the principal or the principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement assessment on which the student failed to perform satisfactorily. If this teacher is unavailable, the principal shall designate to serve on the committee a teacher certified in the subject of the assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student if the remaining members of the GPC also agree to the promotion. The District may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. The District may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, the District may use other methods to ensure parent participation, including individual or conference telephone calls. The District may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. The District shall make a good faith effort to notify a parent or guardian to attend the GPC. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take all necessary actions required.

Education Code 28.0211(c); 19 TAC 101.2007(a)-(b)

ALTERNATE
ASSESSMENT

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument. If the Board adopts such a policy, the District shall select from a list provided annually by the Commissioner only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the date of the third administration of the statewide assessment.

19 TAC 101.2011(a)-(b)

PARENTAL
WAIVER

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. *19 TAC 101.2015*

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

AFTER THIRD
TESTING
OPPORTUNITY
NOTICE

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of an assessment required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student assessment results for this administration, the District shall notify the campus principal of the assessment results for each eligible student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The District shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. *19 TAC 101.2007(e)*

RETENTION AND
APPEAL

A student who fails to perform satisfactorily after at least three attempts on one of the grade advancement tests shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. *Education Code 28.0211(e); 19 TAC 101.2007(e)*

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. *19 TAC 101.2007(b)(2)*

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous and the student has completed all required accelerated instruction.

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board and made in conformance with procedures specified in the SSI manual and as required by 19 Administrative Code 101.2001(b). These standards must include consideration of the following:

1. The recommendation of the student's teacher;
2. The student's grades;
3. The student's assessment scores; and
4. Any other necessary academic information as determined by the District.

19 TAC 101.2007(f)

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. *19 TAC 101.2007(g)*

The committee's decision regarding placement is final and may not be appealed. *Education Code 28.0211(e)*

ACCELERATED
INSTRUCTION

A student who fails to perform satisfactorily on a grade advancement test after three attempts and who is promoted to the next grade level must complete all required accelerated instruction before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted. *Education Code 28.0211(a-2); 19 TAC 101.2006(e)(2)*

In each subject in which the student failed to perform satisfactorily on the grade advancement test, a student who is promoted by the GPC must be assigned to a teacher who meets all state and federal qualifications to teach that subject and grade. *Education Code 28.0211(n)*

TRANSFER STUDENTS

A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit the District's ability to appropriately place such a student. *19 TAC 101.2007(h)*

ENGLISH LANGUAGE
LEARNERS (ELL)

The language proficiency assessment committee (LPAC) shall determine appropriate assessment and accelerated instruction for an English language learner (ELL) who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The GPC for an ELL shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)* [See EKBA]

STUDENTS
RECEIVING SPECIAL
EDUCATION SERVICES

A student who is receiving special education services, including an ELL, who is enrolled in grade 5 or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing as outlined in the official SSI manual. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and accelerated instruction for the student. Decisions regarding assessments for ELLs who receive special education services shall be made by the ARD committee in conjunction with the LPAC. *Education Code 28.0211(i); 19 TAC 101.2003(d), (f)*

STUDENTS WITH
DYSLEXIA

In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or profi-

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

ciency in the area must be considered. *Education Code 28.021(b); 19 TAC 101.2003(g)* [See policies at EHB, EKB, and FB]

AGE-
APPROPRIATE
ASSIGNMENT

The Board may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, the Board may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus. *19 TAC 101.2019(b)*

OPTIONAL EXTENDED-
YEAR PROGRAM

A student who does not meet District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level shall be eligible for services under the optional extended-year program. *19 TAC 105.1001(c)*

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the school counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or school counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the District shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If the District provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e)-(f) [See EHBC]

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

LANGUAGE
PROFICIENCY
ASSESSMENT
COMMITTEE (LPAC)

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

DOCUMENTATION

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

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

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

DEFINITIONS

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

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
 - a. An asylee as defined by 45 C.F.R. 400.41; or
 - b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document,

issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

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

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

ENGLISH LANGUAGE
PROFICIENCY TESTS

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

LIMITATIONS ON
EXEMPTIONS

FIRST YEAR AFTER
ENROLLMENT

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

SUBSEQUENT
YEARS

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

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

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

EKBA
(LEGAL)

MINIMUM DAYS FOR ENROLLMENT	<p>Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).</p> <p><i>Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)</i></p>
TESTING IN GRADES 3–8	<p>An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.</p>
SPANISH-VERSION ASSESSMENT	<p>A Spanish-speaking English language learner in grades 3–5 may be administered the state’s Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student’s academic progress.</p>
LINGUISTICALLY ACCOMMODATED ASSESSMENTS	<p>An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state’s mathematics, science, or social studies assessment if:</p> <ol style="list-style-type: none">1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see ENGLISH LANGUAGE PROFICIENCY TESTS]; and3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see DEFINITIONS].
EXEMPTION FOR ASYLEE OR REFUGEE	<p>An unschooled asylee or refugee who meets the criteria at SPANISH-VERSION ASSESSMENT and LINGUISTICALLY ACCOMMODATED ASSESSMENTS above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.</p> <p><i>19 TAC 101.1005(b), (c)</i></p>
REFUSAL OF SERVICES	<p>An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made</p>

STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

EKBA
(LEGAL)

available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

END-OF-COURSE
ASSESSMENTS

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

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

EXCEPTION

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see ENGLISH LANGUAGE PROFICIENCY TESTS] and has been enrolled in U.S. schools for three school years or less, or qualifies as an un-schooled asylee or refugee enrolled in U.S. schools [see DEFINITIONS] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment. [See EKB]

19 TAC 101.1007(a), (b)

EXIT-LEVEL
ASSESSMENTS

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

POSTPONEMENT

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

19 TAC 101.1023

LIMITED LEP
EXEMPTIONS

Certain English language learners who have had inadequate schooling outside the United States may be eligible for a LEP exemption from the assessment during a period not to exceed their

first three school years of enrollment in U.S. schools. *19 TAC 101.1025(a)*

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

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

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

FEDERAL
ACCOUNTABILITY
TESTING

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

REFUSAL OF
SERVICES

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

NON-LEP STUDENTS

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

STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

EKBA
(LEGAL)

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

ADMISSIONS
HOMELESS STUDENTS

FDC
(LEGAL)

HOMELESS CHILDREN As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall serve homeless children according to their best interests. [See FD for definition of homeless students]

DEFINITIONS In determining the “best interest” of a child, the District shall:

BEST INTEREST

1. To the extent feasible, keep a homeless child in the school of origin, except when doing so is contrary to the wishes of the child’s parent or guardian;
2. Provide a written explanation to the homeless child’s parent or guardian, including a statement of appeal rights, if the District sends the child to a school other than the school of origin or a school requested by the parent or guardian; and
3. In the case of an unaccompanied youth, consider the views of the child and provide the notice required in the event of an enrollment dispute.

ENROLLMENT

“Enroll” and “enrollment” include attending classes and participating fully in school activities.

HOMELESS CHILDREN OR YOUTH

“Homeless child” means a child or youth. “Unaccompanied youth” includes a child not in the physical custody of a parent or guardian.”

‘SCHOOL OF ORIGIN’

“School of origin” means the school that the child attended when permanently housed or the school in which the child was last enrolled.

CONTACT INFORMATION

The District may require the parent or guardian of a homeless child to submit contact information.

ENROLLMENT

The school selected in accordance with the McKinney-Vento Homeless Education Assistance Improvements Act shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment. The school shall immediately contact the last school attended to obtain relevant academic and other records. If the child needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the child’s parent or guardian to the District’s homeless liaison for assistance. [See FFC]

ENROLLMENT DISPUTES

If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The District shall provide the child’s parent or guardian with a written explanation of the decision regarding school selection or enrollment, including the right to appeal the decision. The District shall refer the

child, parent, or guardian to the homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible.

SCHOOL PLACEMENT

The District shall not segregate homeless children. The District shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness, if the child's family becomes homeless between academic years or during an academic year;
2. Continue the child's education in the school of origin for the duration of the academic year, if the child becomes permanently housed during an academic year; or
3. Enroll the child in any school that nonhomeless students who live in the attendance area in which the child is actually living are eligible to attend.

The District shall make the choice regarding placement without regard to whether the child lives with the homeless parents or has been temporarily placed elsewhere.

COMPARABLE
SERVICES

The District shall provide a homeless child with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in vocational and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

COORDINATION

The District shall coordinate the provision of services to homeless children with:

1. Local social services agencies and other agencies or programs providing services to homeless children and their families;
2. Other local educational agencies, on interdistrict issues such as transportation or transfer of school records; and
3. As applicable, state and local housing agencies responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), to minimize educational disruption for homeless children.

The coordination shall be designed to ensure that homeless children have access and reasonable proximity to available education and related support services and to raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

BARRIERS TO
ENROLLMENT

The District shall review and revise any policies that may act as barriers to the enrollment of homeless children. The District shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. The District shall give special attention to ensuring the enrollment and attendance of homeless children who are not currently attending school.

In addition, the District shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432, 11434a

Other Related Policies:

AID — FEDERAL ACCOUNTABILITY STANDARDS

CNA — STUDENT TRANSPORTATION

EHBD — FEDERAL TITLE I PROGRAMS

FB — EQUAL EDUCATIONAL OPPORTUNITIES

FD — ADMISSIONS

FFAB — IMMUNIZATIONS

FL — STUDENT RECORDS

FP — STUDENT FEES, FINES, AND CHARGES

ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LEGAL)

ALL CONSIDERED ABSENCES	In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. <i>Atty. Gen. Op. JC-0398 (2001)</i>
90 PERCENT RULE	Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]
PRINCIPAL'S PLAN	A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade without the consent of the judge presiding over the student's case.
EXTENUATING CIRCUMSTANCES	<p>An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. The Board shall establish guidelines for determining what constitutes extenuating circumstances.</p> <p>The Board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which the District may charge a fee. [See FP]</p>
ATTENDANCE COMMITTEE	The Board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.
APPEAL	If the committee denies a student credit or a final grade, the student may appeal the decision to the Board. The Board's decision may be appealed to the district court of the county in which the District's central administrative office is located.
ADDITIONAL DUTIES	A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular

West Orange-Cove CISD
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ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LEGAL)

workday unless the employee is compensated for the duties at a
reasonable rate of pay.

Education Code 25.092

WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

FFAD
(LEGAL)

REPORTS

School authorities, including the Superintendent, principal, teacher, school health official, or counselor, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Department of State Health Services (TDSHS). If there is no local health authority appointed or if the District is outside the jurisdiction of a local health authority, the report shall be made to the regional director. *25 TAC 97.2(d), .5(a); Health and Safety Code 81.041-.042*

SEXUALLY
TRANSMITTED
DISEASES AND HIV

A local school authority shall report a child attending school who is suspected, based on medical evidence, of having a sexually transmitted disease (STD) and/or is an HIV-exposed infant in accordance with 25 Administrative Code 97.132-.134. If the local school authority, or an individual listed under 25 Administrative Code 97.132(1), (3), or (4), does not make the required report, an individual listed under 25 Administrative Code 97.132(2), including a professional nurse, a health professional, a peace officer, and a parent or guardian, must report a person who has or is suspected of having an STD and/or is an HIV-exposed infant. *25 TAC 97.5(a)(3), .132(2), (5)* [See FFG(LEGAL) regarding reports to the Department of Family and Protective Services]

“School authority” means the Superintendent or the Superintendent’s designee. *Health and Safety Code 81.003(10)*

PENALTIES

A person commits a Class B misdemeanor if the person knowingly fails to report a reportable disease or health condition under Health and Safety Code Chapter 81, Subchapter B. *Health and Safety Code 81.049*

EXCLUSION
COMMUNICABLE
CONDITION
DEFINED BY RULE

A principal shall exclude from attendance any child having or suspected of having a communicable condition listed in 25 Administrative Code 97.7(a) until the readmission criteria for the condition are met. *25 TAC 97.7(a)*

COMMUNICABLE
DISEASE
DESIGNATED BY
COMMISSIONER

A principal shall exclude from attendance any child having or suspected of having a communicable disease designated by the commissioner of health as cause for exclusion. Any child excluded for reason of communicable disease may be readmitted, as determined by the health authority, by:

1. Submitting a certificate of the attending physician, advanced practice nurse, or physician assistant attesting that the child does not currently have signs or symptoms of a communicable disease or to the disease’s non-communicability in a school setting;

WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

FFAD
(LEGAL)

2. Submitting a permit for readmission issued by a local health authority; or
3. Meeting readmission criteria as established by the commissioner.

25 TAC 97.7(b)-(c)

Note: The TDSHS Recommendations for the Prevention and Control of Communicable Diseases in a Group-Care Setting, including the Communicable Disease Chart for Schools and Child-Care Centers, detailing symptoms and treatment information regarding several diseases, as well as exclusion and readmission criteria, is available at https://www.dshs.state.tx.us/idcu/health/schools_childcare/resources/.

BACTERIAL
MENINGITIS

TEA shall prescribe procedures by which each district shall provide information relating to bacterial meningitis to its students and their parents each school year. The procedures must ensure that the information is reasonably likely to come to the attention of the parents of each student. The agency shall prescribe the form and content of the information.

With the written consent of TEA, the District may provide the information to its students and their parents by a method different from the method prescribed by the agency if the agency determines that method would be effective in bringing the information to the attention of the parents of each student.

Education Code 38.0025

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LEGAL)

ANTIVICTIMIZATION PROGRAM	The District shall provide child abuse antivictimization programs in elementary and secondary schools. <i>Education Code 38.004</i>
DUTY TO REPORT BY ANY PERSON	Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. <i>Family Code 261.101(a)</i>
ABUSE OF DISABLED PERSONS	<p>A person having cause to believe that a disabled person over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the DFPS.</p> <p>A person commits a Class A misdemeanor if the person has cause to believe that a disabled person has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.</p> <p>A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.</p> <p><i>Human Resources Code 48.051, .052, .054</i></p>
BY A PROFESSIONAL	<p>Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.</p> <p>A professional may not delegate to or rely on another person to make the report.</p> <p>A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.</p> <p><i>Family Code 261.101(b)</i></p>
ADULT VICTIMS OF ABUSE	A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person. <i>Family Code 261.101(b-1)</i>

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LEGAL)

PSYCHOTROPIC
DRUGS AND
PSYCHOLOGICAL
TESTING

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFAC]

CONTENTS OF
REPORT

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.103, .104

TO WHOM REPORTED

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to the Texas Department of Family and Protective Services (DFPS), unless the report is made under item 3, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. The DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available;
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
5. The agency designated by the court to be responsible for the protection of children.

Family Code 261.103(a); 19 TAC 61.1051(a)(1)

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JJAEPS	Any report of alleged abuse, neglect, or exploitation in a juvenile justice program or facility shall be made to the Texas Juvenile Probation Commission and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. <i>Family Code 261.405(a)(2)(A), (b)</i>
IMMUNITY FROM LIABILITY	<p>A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. <i>Family Code 261.106</i></p> <p>The District may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. <i>Family Code 261.110</i> [See DG]</p>
CRIMINAL OFFENSES FAILURE TO REPORT	<p>A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see DUTY TO REPORT] and knowingly fails to make a report as provided by law.</p> <p>A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see DUTY TO REPORT] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.</p> <p><i>Family Code 261.109</i></p> <p>Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 Administrative Code Chapter 249. <i>19 TAC 61.1051(a)(2)(A)</i></p>
FALSE REPORT	A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. <i>Family Code 261.107(a)</i>
COERCION	An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. <i>Penal Code 39.06</i>
CONFIDENTIALITY OF REPORT	A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes con-

sistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

INVESTIGATIONS
REPORTS TO
DISTRICT

If the DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

The DFPS shall send a written report of its investigation, as appropriate, to the school principal, unless the principal is alleged to have committed the abuse or neglect, to the Board, and to the Superintendent. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

INTERVIEW OF
STUDENT

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

INTERFERENCE
WITH
INVESTIGATION

A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. *Family Code 261.303(a)*

CONFIDENTIALITY

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

REPORTING POLICY

The Board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.

The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see TO WHOM REPORTED] within 48 hours or less, as determined by the Board, after learning of facts giving rise to the suspicion.

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (relating to CPS) regarding investigations by the DFPS, including regulations gov-

erning investigation of abuse by school personnel and volunteers.
[See GRA]

The policies must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and
 - b. The prohibition, under Family Code 261.302, against requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with the District's reporting policy;
6. The prohibition under Education Code 26.0091 [see PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING, above]; and
7. The current toll-free number for the DFPS.

The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

19 TAC 61.1051(a)

ANNUAL
DISTRIBUTION AND
STAFF
DEVELOPMENT

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board. *19 TAC 61.1051(b)*

For the 2014–15 school year, the District shall provide the training required by Education Code 38.0041 to all currently employed District employees on or by the following dates:

STUDENT WELFARE
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1. September 30, 2014, for all kindergarten–grade 5 teachers, campus principals, and bus drivers;
2. December 31, 2014, for all remaining teachers, campus principals, and bus drivers; and
3. May 31, 2015, for all remaining school staff.

Each subsequent school year, the District shall provide training as required by Education Code 38.0041 to all new District employees as a part of new employee orientation. [See DH and DMA]

19 TAC 61.1051(c)

REQUIRED POSTER

The District shall place a poster of the following specifications at every campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The poster must:

1. Be in a format and language that is clear, simple, and understandable to students;
2. Be in English and in Spanish;
3. Be 11x17 inches or larger;
4. Be in large print;
5. Be placed at eye-level to the student for easy viewing; and
6. Include the following information:
 - a. The current toll-free DFPS Abuse Hotline telephone number (in bold print);
 - b. Instructions to call 911 for emergencies; and
 - c. Directions for accessing the DFPS website (<http://www.txabusehotline.org>) for more information on reporting abuse, neglect, and exploitation.

Education Code 38.0042; 19 TAC 61.1051(e), (f)

West Orange-Cove CISD
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STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LOCAL)

REPORTING CHILD
ABUSE AND NEGLECT

Any person who has cause to believe that a child has been or may be abused or neglected by any person shall make a report immediately as required by law.

Reports shall be made in accordance with FFG(EXHIBIT).

Notice of Employee Responsibilities for Reporting Child Abuse and Neglect

What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?

The applicable District policies—FFG(LEGAL) and (LOCAL), GRA(LEGAL) and (LOCAL), and DH(LOCAL) and (EXHIBIT)—are enclosed in this packet. This distribution is required by state law. At regular intervals, these policies will be addressed in staff development as well. If you have any questions about these policies, please contact Anitrea Goodwin at (409) 882-5610.

What are my legal responsibilities for reporting if I suspect that a child has been or may be abused or neglected?

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

An employee will make a report if the employee has cause to believe that an adult was a victim of abuse or neglect as a child and the employee determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

Are there any restrictions on reporting?

Under state law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

To whom do I make a report?

Reports may be made to any of the following:

- A law enforcement agency: The Orange Police Department, at (409) 883-1026; the Pinehurst Police Department, at (409) 886-2221; or the West Orange Police Department, at (409) 883-0059;
- The CPS division of the Texas Department of Family and Protective Services, at (800) 252-5400 or on the web at www.txabusehotline.org; or

- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to CPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

Reporting your suspicion to a school counselor, a principal, or another school staff member does NOT fulfill your responsibilities under the law. Furthermore, the District cannot require you to report your suspicion first to a school administrator.

Will my report be kept confidential?

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

Will I be liable in any way for making a report?

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

What will happen if I don't report suspected child abuse or neglect?

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board for Educator Certification may be suspended, revoked, or canceled.

What are my responsibilities regarding investigations of abuse or neglect?

State law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

STUDENT RECORDS

FL
(LEGAL)

This introductory page outlines the contents of this policy on student records. See the following sections for statutory provisions on:

SECTION I	Education Records	pages 2–4
	<ol style="list-style-type: none">1. Definition of ‘education records’2. Screening records3. Immunization records4. Medical records5. Food allergy information6. Assessment instruments7. Academic achievement record (transcript)8. Enrollment records	
SECTION II	Access, Disclosure, and Amendment	pages 5–17
	<ol style="list-style-type: none">1. Access to education records2. Information collection3. Subpoenaed and sex offender records4. Request procedure5. Destruction of requested records6. De-identified records, authenticating requestors’ identities7. Transfer by third parties to other persons8. Record of access to student records9. Right to amend records10. Fees for copies11. Records of students with disabilities12. Annual notification of rights	
SECTION III	Directory Information	pages 17–20
	<ol style="list-style-type: none">1. Definition and disclosure of directory information2. Designation of directory information3. Annual notice, contents4. Student recruiting information, parental consent to release	
SECTION IV	Videotapes and Recordings	pages 20–21
	<ol style="list-style-type: none">1. Parental consent2. Exceptions to consent	
SECTION V	Information from Law Enforcement	pages 21–23
	<ol style="list-style-type: none">1. Criminal records2. Duty to flag records of missing children	

SECTION I: EDUCATION RECORDS

'EDUCATION
RECORDS' DEFINED

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that are created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
2. Records made by District personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

SCREENING
RECORDS

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office

STUDENT RECORDS

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may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS. *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.148(o)* [See FFAA]

IMMUNIZATION RECORDS

The District shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. The District shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student's medical records maintained by the District. On request of a student's parent or guardian, the District shall provide a copy of the student's medical records to the parent or guardian. The District may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. *Education Code 38.0095*

PRIVACY RULE FOR NON-EDUCATION RECORDS'

To the extent the District is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the District must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501* [See CRD]

FOOD ALLERGY INFORMATION

Information regarding a child's food allergy, regardless of how it is received by the school or District, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the District.

EXCEPTIONS

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the District.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the District, including a notation that the child's student records indicate that a parent has notified the District of the child's possible food allergy.

Education Code 25.0022(d)-(f)

STUDENT RECORDS

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(LEGAL)

ASSESSMENT
INSTRUMENTS

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the District are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and District, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

ACADEMIC
ACHIEVEMENT
RECORD (GRADES
9-12)

Following guidelines developed by the Commissioner, the District shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by the District. Copies of the record shall be made available to students transferring to another district. The District shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.5(b)* [See EI]

ENROLLMENT
RECORDS

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

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

Education Code 25.002(a)

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

If a parent or other person with legal control of a child under a court order requests that the District transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1) [See FD]

SECTION II: ACCESS, DISCLOSURE, AND AMENDMENT

ACCESS TO
EDUCATION RECORDS

DEFINITIONS

'ATTENDANCE'

"Attendance" includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

'DISCLOSURE'

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

'PARENT'

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

'PERSONALLY
IDENTIFIABLE
INFORMATION'

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

'RECORD'

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

STUDENT RECORDS

FL
(LEGAL)

'AUTHORIZED
REPRESENTATIVE'

"Authorized representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

'EDUCATION
PROGRAM'

"Education program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

34 C.F.R. 99.3

'SIGNED AND
DATED WRITTEN
CONSENT'

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

ACCESS BY
PARENTS

Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. *34 C.F.R. 99.10, .31(a)(8)*

The District shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

34 C.F.R. 99.4; Family Code 153.012, .073

A parent is entitled to access to all written records of the District concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, and reports of behavioral patterns. *Education Code 26.004*

STUDENT RECORDS

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(LEGAL)

ACCESS BY
STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents the District from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed. *34 C.F.R. 99.12(a)*

ACCESS BY OTHER
PERSONS

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

SCHOOL
OFFICIALS

1. School officials, including teachers, who have legitimate educational interests. An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the District for reasons determined in District policy.

A contractor, consultant, volunteer, or other party to whom the District has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

- a. Performs an institutional service or function for which the District would otherwise use employees;
- b. Is under the direct control of the District with respect to the use and maintenance of education records; and
- c. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

The District must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in

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compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31, .36; Education Code 38.009

OFFICIALS OF
OTHER SCHOOLS

2. Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that the District either:
 - a. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
 - b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

In either case, the District shall furnish a copy of the transferred records to the parent if requested and shall give the parent an opportunity for a hearing to challenge the content of the record.

34 C.F.R. 99.34

AUTHORIZED
GOVERNMENTAL
REPRESENTATIVES

3. Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35*

The District may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. The District is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3, or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h)*

FINANCIAL AID
PERSONNEL

4. Personnel involved with a student's application for, or receipt of, financial aid.

JUVENILE
JUSTICE
OFFICIALS

5. State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

STUDENT RECORDS

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(LEGAL)

- a. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
- b. The officials and authorities to whom such information is disclosed certify in writing to the District that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

The Superintendent or the Superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC].

Education Code 37.084(a)

ORGANIZATIONS
CONDUCTING
STUDIES

6. Organizations conducting studies for, or on behalf of, the District for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The District must enter into a written agreement with the organization that:

- a. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
- b. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
- c. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
- d. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was

STUDENT RECORDS

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(LEGAL)

conducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the District in accordance with the requirements of 34 C.F.R. 99.33(b).

The District is not required to initiate a study or agree with or endorse the conclusions or results of the study.

ACCREDITING
ORGANIZATIONS

7. Accrediting organizations that require the information for purposes of accreditation.

HEALTH OR
SAFETY
EMERGENCY

8. Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

In making a determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the United States Department of Education will not substitute its judgment for that of the District in evaluating the circumstances and making its determination.

34 C.F.R. 99.36

SECRETARY OF
AGRICULTURE

9. The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. 1232g(b)(1)(K)*

STATE OR LOCAL
CHILD WELFARE
AGENCY

10. An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the

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agency to receive the disclosure. Any subsequent disclosure must be consistent with state laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*

DIRECTORY
INFORMATION

11. Any person requesting directory information after the District has given public notice of that definition. *34 C.F.R. 99.37*

20 U.S.C. 1232g(b); 34 C.F.R. 99.31

WRITTEN
CONSENT

The parent shall provide a signed and dated written consent before the District discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. *34 C.F.R. 99.30*

INFORMATION
COLLECTION

U.S. DOE FUNDED
SURVEYS

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

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INFORMATION COLLECTION FUNDED BY OTHER SOURCES	Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, the District shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). <i>20 U.S.C. 1232h(c)(1)–(4)</i> [See EF]
SUBPOENAED RECORDS	The District shall release student records to an entity or persons designated in a subpoena. The District shall not disclose to any person the existence or contents of the subpoena if a court orders the District to refrain from such disclosure. Unless the court or other issuing agency orders the District to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, the District shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. <i>20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9)</i>
SEX OFFENDERS	The District may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the District under 42 U.S.C. 14071 and applicable federal guidelines. <i>34 C.F.R. 99.31(a)(16)</i>
REQUEST PROCEDURE	Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The District shall respond to reasonable requests for explanations and interpretations of the records. <i>34 C.F.R. 99.10</i>
DESTRUCTION OF RECORDS	The District shall not destroy any education records if there is an outstanding request to inspect and review the records. <i>34 C.F.R. 99.10(e)</i>
DE-IDENTIFIED RECORDS	The District, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the District or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

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EDUCATION
RESEARCH

The District, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. The District or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

AUTHENTICATING
REQUESTORS'
IDENTITIES

The District must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

34 C.F.R. 99.31(b)–(c)

TRANSFER NOT
PERMITTED

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, the District shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

The District shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*

The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the District if:

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1. The disclosures meet the requirements of 34 C.F.R. 99.31; and
2. The District has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

RECORD OF ACCESS
TO STUDENT
RECORDS

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. The District must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

The District must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see HEALTH OR SAFETY EMERGENCY, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the District disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

20 U.S.C. 1232g(b)(4)(A)

The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving

STUDENT RECORDS

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records in accordance with a subpoena or ex parte order.
34 C.F.R. 99.32(d)

RIGHT TO AMEND
RECORDS

The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If the District decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

34 C.F.R. 99.20-.21

FEEES FOR COPIES

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

RECORDS OF
STUDENTS WITH
DISABILITIES

The District shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.
34 C.F.R. 300.613(a)

ACCESS RIGHTS

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect District records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*
2. The District shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*

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3. The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 C.F.R. 300.614*

LIST OF TYPES AND LOCATIONS OF INFORMATION

The District shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

PARENTAL CONSENT

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. The District may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

CONFIDENTIALITY

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in the District shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The District shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

DESTRUCTION OF INFORMATION

The District shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

ANNUAL NOTIFICATION OF RIGHTS

The District shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;

2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the District to comply with the requirements of the Act and 34 C.F.R. part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the District has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The District may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

The District shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

SECTION III: DIRECTORY INFORMATION

DIRECTORY
INFORMATION
DEFINITION

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or
2. Student identification (ID) number, unless:

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- a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or
- b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

DISCLOSURE OF
DIRECTORY
INFORMATION

The District may release directory information if it has given public notice of:

- 1. The types of personally identifiable information that it has designated as directory information.
- 2. The right of the parent to refuse to permit the District to designate any or all of that information about the student as directory information.
- 3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

IN CLASS

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent the District from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

FORMER
STUDENTS

The District may disclose directory information about former students without satisfying the public notice conditions above. However, the District must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

CONFIRMATION
OF IDENTITY OR
RECORDS

The District may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37

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DESIGNATION OF
DIRECTORY
INFORMATION

The District may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by the District as directory information for that District is excepted from disclosure by the District under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or District publication, if any such purpose has been designated by the District, remains otherwise confidential and may not be released under Government Code Chapter 552.

ANNUAL NOTICE

The District shall provide the following to the parent of each District student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and
2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

CONTENTS OF
NOTICE

The notice must contain:

1. The following statement in boldface type that is 14-point or larger:

“Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of District] to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by [insert date]. [Insert name of District] has designated the following information as directory information: [Here the District must include any directory information it chooses to designate as directory information for the District, such as a student’s name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]”;
2. A form, such as a check-off list or similar mechanism, that:
 - a. Immediately follows, on the same page or the next page, the required statement; and

- b. Allows a parent to record:
 - (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if District policy permits the parent to object to one or more specific categories of directory information;
 - (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and
 - (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the District and is specifically identified, such as for a student directory, student yearbook, or District publication; and
- 3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the District that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

STUDENT
RECRUITING
INFORMATION

Notwithstanding the DIRECTORY INFORMATION provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

CONSENT TO
RELEASE

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described above not be released without prior written parental consent, and the District shall notify parents of the option to make a request and shall comply with any request.

20 U.S.C. 7908

SECTION IV: VIDEOTAPES AND RECORDINGS

VIDEOTAPES AND
RECORDINGS

A District employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a

STUDENT RECORDS

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(LEGAL)

videotape of a child or record or authorize the recording of a child's voice.

EXCEPTIONS

A District employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction; or
4. Media coverage of the school.

Education Code 26.009 [See EHA, FM, and FO]

SECTION V: INFORMATION FROM LAW ENFORCEMENT

INFORMATION FROM
LAW ENFORCEMENT

ORAL NOTICE OF
ARREST OR
REFERRAL

Upon receipt of oral notice from the head of a law enforcement agency or designee that the law enforcement agency has arrested a student or referred a student to the juvenile board for a specified offense [see GRAA], the Superintendent shall immediately notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

WRITTEN NOTICE
OF ARREST OR
REFERRAL

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee shall send the information in the confidential notice to a District employee having direct supervisory responsibility over the student.

ORAL NOTICE OF
CONVICTION OR
ADJUDICATION

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

NOTICE OF
TRANSFER OR
REENROLLMENT

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent of the District to which the student transfers or returns shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

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A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

CONTENTS OF
NOTICE

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct;
or
3. Weapons possessed during the commission of the offense or conduct.

Code of Criminal Procedure 15.27(a)–(c), (k)

Information received by the District under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. The District shall destroy the information at the end of the academic year in which the report was filed. *Education Code 37.017*

DUTY TO FLAG
RECORDS

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

REQUEST IN
PERSON

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the

STUDENT RECORDS

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requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REQUEST IN
WRITING

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REMOVAL OF FLAG

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearinghouse. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearinghouse that the flag has been removed.

Code of Criminal Procedure 63.020-.022

STUDENT ACTIVITIES
TRAVEL

FMG
(LOCAL)

TRANSPORTATION
FOR STUDENT
TRAVEL

Students who participate in school-sponsored trips shall be required to use transportation provided by the District to and from the event, except as otherwise permitted in administrative regulations.

IN-STATE OVERNIGHT
TRIPS

Any in-state overnight trips taken by student organizations and other student groups shall require approval from the principal.

OUT-OF-STATE TRIPS

Any out-of-state trips taken by student organizations or other student groups shall require approval from the Superintendent.

STUDENT ACTIVITIES
COMMENCEMENT

FMH
(LEGAL)

INVOCATIONS /
BENEDICTIONS

School officials shall not direct the performance of a formal religious exercise at promotional and graduation ceremonies. Lee v. Weisman, 505 U.S. 577 (1992) (addressing prayer by clergy at graduation)

SCHOOL-
SPONSORED
SPEECH

The District shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events. The religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer. Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games)

Note: In Jones v. Clear Creek Indep. Sch. Dist., 977 F.2d 963 (5th Cir. 1992), cert. denied, 508 U.S. 967 (1993), the Fifth Circuit Court of Appeals held that a district may permit a graduating senior class, with the advice and counsel of the senior class sponsor, to select student volunteers to deliver nonsectarian, nonproselytizing invocations and benedictions for the purpose of solemnizing graduation ceremonies. Although not expressly overruled, the precedential value of this case has been called into question by the United States Supreme Court's decision in Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000).

PRIVATE STUDENT
SPEECH

The District shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. *Education Code 25.152* [See FNA(LEGAL) at EXPRESSION OF RELIGIOUS VIEWPOINTS]

EARLY GRADUATES

A parent is entitled to have a child who graduates earlier than the child would normally graduate participate in graduation ceremonies at the time the child graduates, if the child completes each course required for graduation. *Education Code 26.003(a)(3)(C), (4)* [See EIF]

SPECIAL EDUCATION
STUDENTS

The District shall issue a certificate of attendance to a student who receives special education services and who has completed four years of high school but has not completed the student's individualized education program (IEP). The District shall allow a student who receives a certificate of attendance to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this provision. This provision does not preclude a student from receiving

STUDENT ACTIVITIES
COMMENCEMENT

FMH
(LEGAL)

ing a diploma if the student successfully completes an IEP. *Education Code 28.025(f)*

CERTIFICATE OF
COURSEWORK
COMPLETION

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The District may allow a student who receives a certificate of coursework completion to participate in a graduation ceremony with students receiving high school diplomas [see EI(LOCAL)]. *19 TAC 74.5(i); Education Code 28.025(d)*

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

OTHER COMPLAINT
PROCESSES

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional materials shall be submitted in accordance with EFA.
11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

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12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

NOTICE TO STUDENTS AND PARENTS The District shall inform students and parents of this policy through appropriate District publications.

GUIDING PRINCIPLES
INFORMAL PROCESS The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

FORMAL PROCESS A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

FREEDOM FROM RETALIATION Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

GENERAL PROVISIONS
FILING Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

SCHEDULING CONFERENCES The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to

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appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

RESPONSE At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's e-mail address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS "Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

REPRESENTATIVE "Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

CONSOLIDATING COMPLAINTS Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

UNTIMELY FILINGS All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

COSTS INCURRED Each party shall pay its own costs incurred in the course of the complaint.

COMPLAINT AND APPEAL FORMS Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

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Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent

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may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two re-

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sponse or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

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The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

PUBLIC COMPLAINTS

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COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
OTHER COMPLAINT PROCESSES	<p>Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:</p> <ol style="list-style-type: none">1. Complaints concerning instructional materials shall be filed in accordance with EFA.2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.
GUIDING PRINCIPLES	<p>The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
INFORMAL PROCESS	
FORMAL PROCESS	<p>An individual may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
GENERAL PROVISIONS	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
FILING	

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SCHEDULING CONFERENCES	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.
RESPONSE	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's e-mail address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
DAYS	"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."
REPRESENTATIVE	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
CONSOLIDATING COMPLAINTS	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
UNTIMELY FILINGS	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
COSTS INCURRED	Each party shall pay its own costs incurred in the course of the complaint.

PUBLIC COMPLAINTS

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COMPLAINT AND
APPEAL FORMS

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

COMMUNITY RELATIONS
NONSCHOOL USE OF SCHOOL FACILITIES

GKD
(LEGAL)

- PROHIBITED ACTS An officer or employee of the District who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:
1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the District;
 2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the District;
 3. Refuse to grant a benefit to the person; or
 4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 106.001(a)

RIGHT TO PRESERVE USE The District, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

FORUM FOR COMMUNICATION The District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330 (5th Cir. 2001)

The District is not required to allow persons to engage in every type of speech when the District establishes a limited public forum; the District may be justified in reserving its forum for certain groups or for the discussion of certain topics. The District shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

FEES FOR USE The Board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of the District's facilities, in the amounts and manner determined by the Board. *Education Code 45.033*

CHARTER SCHOOLS The District may not require a campus or campus program charter that is the result of the conversion of the status of an existing District campus to pay rent for or to purchase a facility in order to use the facility.

The District may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service pro-

COMMUNITY RELATIONS
NONSCHOOL USE OF SCHOOL FACILITIES

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vided by the District under a contract between the District and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the District of providing the service.

Education Code 11.1543

PATRIOTIC SOCIETIES If the District has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the District shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

'YOUTH GROUP' "Youth group" means any group or organization intended to serve young people under the age of 21.

LIMITED PUBLIC FORUM For purposes of this policy regarding PATRIOTIC SOCIETIES, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SPONSORSHIP Nothing in this policy shall be construed to require the District to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

FACILITIES AS POLLING PLACES The District shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the District shall determine which authority may use the building. *Election Code 43.031(c)*

COMMUNITY RELATIONS
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No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a District building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

POLITICAL PARTY
CONVENTIONS

The District shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The District shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

