

Update 99 contains (LOCAL) policies that require board action before we can incorporate Update 99 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 99 have been adopted. (Visit <http://www.tasb.org/apps/policyUpdates/index.aspx> to see updates pending adoption. Your Local Manual Updates will remain available through myTASB until your district notifies us of adoption.)

Update 99 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 99

Policy On Line[®]
Adoption Notification Form

TASB Policy Service

Fax: 512-467-3618



Localized Policy Manual

Update 99

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 99 represents the second of two post-legislative updates, focusing primarily on incorporating changes in law from the 83rd Legislative Session that were not included in Update 98 and recent amendments to the Administrative Code as a result of the recent legislation. Major topics include district legal counsel, safety programs, graduation, credit by examination, and student discrimination and harassment.

Please note that local policy recommendations to EIF(LOCAL) addressing graduation will be sent outside of this Update and will be based on your district's responses to the House Bill 5 EIF(LOCAL) survey recently sent to your district. If you have not completed the survey, it may be accessed at <https://www.tasb.org/services/policy/mytasb/index.aspx>.

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 99 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 99 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 99 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 99 . . .

- Board action on Localized Update 99 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 99, 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 99, 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 99 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 99 [with the following changes:]”
- The board’s action on Localized Update 99 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded **(LOCAL)** policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* available in the myTASB Policy Service Resource Library at http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. If the district uses Policy On Line, you will need to notify us of the board’s action on Update 99 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 99 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 99 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 99

District West Orange-Cove CISD

Code	Action To Be Taken	Note
ATTN (NOTE)	No policy enclosed	See explanatory note
A18 (INTRO)	Replace introduction	Revised introduction
AG (LEGAL)	ADD policy	See explanatory note
AIA (LEGAL)	Replace policy	Revised policy
AIC (LEGAL)	Replace policy	Revised policy
BBFB (LEGAL)	Replace policy	Revised policy
BDD (LOCAL)	Replace policy	Revised policy
BJCB (LEGAL)	ADD policy	See explanatory note
BP (LOCAL)	Replace policy	Revised policy
CCE (LEGAL)	ADD policy	See explanatory note
CCG (LEGAL)	Replace policy	Revised policy
CFB (LEGAL)	ADD policy	See explanatory note
CFEA (LOCAL)	DELETE policy	See explanatory note
CG (LEGAL)	ADD policy	See explanatory note
CK (LOCAL)	Replace policy	Revised policy
COB (LEGAL)	Replace policy	Revised policy
CRF (LEGAL)	Replace policy	Revised policy
CRG (LEGAL)	Replace policy	Revised policy
DAC (LOCAL)	DELETE policy	See explanatory note
DBD (LEGAL)	Replace policy	Revised policy
DEAA (LEGAL)	Replace policy	Revised policy
DK (LEGAL)	Replace policy	Revised policy
DPB (LEGAL)	Replace policy	Revised policy
EHAC (LEGAL)	Replace policy	Revised policy
EHBK (LEGAL)	Replace policy	Revised policy
EHDC (LEGAL)	Replace policy	Revised policy
EHDC (LOCAL)	Replace policy	Revised policy
EIF (LEGAL)	Replace policy	Revised policy
EKB (LEGAL)	Replace policy	Revised policy
FBA (LEGAL)	Replace policy	Revised policy
FFF (LOCAL)	DELETE policy	See explanatory note
FFH (LOCAL)	Replace policy	Revised policy

Instruction Sheet
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GB	(LEGAL)	DELETE policy	See explanatory note
GBA	(LEGAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 99

District: West Orange-Cove CISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to bills from the 83rd Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted. Throughout the explanatory notes, House Bill is abbreviated as HB and Senate Bill is abbreviated as SB.

A18 (INTRO) INTRODUCTION

We have revised the Introduction to the manual for clarification and to update the list of terms and abbreviations.

AG (LEGAL) HOME-RULE DISTRICTS

This legally referenced policy addressing the option to operate the district under a home-rule charter is recommended for inclusion in the district's policy manual. These existing statutory provisions explain the legal requirements to become a home-rule charter and applicable law once a home-rule charter is established.

AIA (LEGAL) ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

Revisions to this legally referenced material addressing accreditation are from HB 5:

- As a condition of ACCREDITATION, districts must now make Algebra II available to each high school student.
- At STUDENT ACHIEVEMENT INDICATORS, the definition of "required improvement" has been amended to refer to college readiness.
- QUALITY OF LEARNING INDICATORS must include the percentage of students who meet the requirements for the foundation high school program, the distinguished level of achievement under the foundation program, and each endorsement. For each campus, the indicators must also include the number of students, disaggregated by student populations, who take courses under the foundation program and take additional courses to earn an endorsement, disaggregated by type of endorsement.

AIC (LEGAL) ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

HB 5 requires a district that follows the recommendations from an ON-SITE INVESTIGATION to make reasonable efforts to seek assistance from a third party in developing an action plan for improving district performance.

The criteria for the Commissioner to authorize a SPECIAL ACCREDITATION INVESTIGATION were also revised as a result of the legislative session.

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- In accordance with SB 123, the list of criteria no longer imposes a mandatory obligation on the Commissioner to conduct an investigation. The Commissioner *may* (rather than *must*) do special accreditation investigations if a criterion is met.
- HB 5 deleted references to the Recommended High School Program and investigations based on excessive numbers of students graduating under the Minimum High School Program.
- HB 5 added new criteria regarding a disproportionate number of students in a demographic group or an excessive number of students graduating with a particular endorsement.
- The Commissioner may authorize an investigation if a complaint alleges inaccurate PEIMS or other data on which TEA bases accountability determinations, per SB 123.

BBFB (LEGAL) ETHICS
PROHIBITED PRACTICES

Beginning on page 6 at RESTRICTIONS ON PUBLIC SERVANTS – FEDERAL LAW, existing provisions have been added to this legally referenced material addressing prohibited practices. The first provision, at BRIBERY – GENERAL, prohibits a public official from accepting anything of value in return for being influenced in the performance of an official act, defrauding the U.S. government, or violating the person's official duties. The U.S. Supreme Court has held that this law applies to individuals who administer programs funded with federal money. The second provision, at BRIBERY – FEDERAL PROGRAMS, addresses recipients of funds under federal programs and prohibits district employees and officials from engaging in fraudulent activities or accepting bribes.

BDD (LOCAL) BOARD INTERNAL ORGANIZATION
ATTORNEY

This local policy identifies who is authorized to submit inquiries to the district's legal counsel. To ensure the board has a point of contact with legal counsel even when the board has not named a specific board designee, we recommend adding the board president to the list of individuals who may seek advice or information from the district's legal counsel.

Other recommended changes are to conform to policy style.

BJCB (LEGAL) SUPERINTENDENT
PROFESSIONAL DEVELOPMENT

This legally referenced policy addressing the superintendent's professional development is recommended for inclusion in the district's policy manual. These existing statutory provisions explain that the superintendent's participation in board team building sessions will represent one component of the superintendent's professional development.

Explanatory Notes

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BP (LOCAL) ADMINISTRATIVE REGULATIONS

Recommended revisions to this local policy regarding administrative regulations are to reflect common district practices. At DEVELOPMENT, the changes clarify that the superintendent or designee, who is responsible for developing and enforcing procedures, will also resolve any discrepancies among conflicting regulations. These provisions include the superintendent's authority to revise regulations when needed, making the existing text addressing revision unnecessary.

The provision requiring an official copy of the administrative regulations to be kept in the superintendent's office is recommended for deletion. Districts commonly keep official copies electronically and/or at individual campuses, so this statement no longer matches common practice.

Other recommended changes are to conform to policy style.

CCE (LEGAL) LOCAL REVENUE SOURCES ATHLETIC STADIUM AUTHORITY

This legally referenced policy addressing the creation of an athletic stadium authority is recommended for inclusion in the district's policy manual. These existing statutory provisions explain how the board establishes an authority and that the authority can issue revenue bonds for any of its purposes.

CCG (LEGAL) LOCAL REVENUE SOURCES AD VALOREM TAXES

HBs 97 and 709 amended provisions regarding the individuals eligible to pay taxes on a residence homestead through INSTALLMENT PAYMENTS. See page 8.

Beginning on page 10 at Section V, addressing exemptions, we have significantly reorganized and revised the text, including:

- Removing provisions addressing common school districts;
- Deleting provisions on an obsolete tax limitation;
- Updating provisions on PORTABILITY OF TAX CEILING;
- Adding existing statutory provisions regarding tax limitations for surviving spouses of deceased individuals who had qualified for an exemption based on age at SURVIVING SPOUSE OF PERSONS 65 OR OLDER;
- Adding an existing statutory provision allowing a partial year exemption for a 100 PERCENT DISABLED veteran;
- Adding a provision from HB 97 allowing partial exemption of a residence homestead donated to a disabled veteran by a charitable organization at PARTIALLY DISABLED WITH DONATED RESIDENCE;
- Adding a provision from SB 163 exempting the residence homestead of the surviving spouse of a military member killed in action at SURVIVING SPOUSE OF INDIVIDUAL KILLED IN ACTION;
- Adding an existing statutory provision allowing a DISABLED VETERAN a partial exemption for property, which can be, but is not required to be, a residence homestead; and
- Updating the OPTIONAL EXEMPTIONS.

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In addition to the above changes, we have added a table of contents and reordered several provisions.

CFB (LEGAL) ACCOUNTING
INVENTORIES

This legally referenced policy addressing inventories is recommended for inclusion in the district's policy manual. These existing provisions from the Administrative Code include the obligation for the district to maintain inventories of its assets in accordance with the TEA *Financial Accountability System Resource Guide*.

CFEA (LOCAL) PAYROLL PROCEDURES
SALARY DEDUCTIONS AND REDUCTIONS

This local policy addressing salary deductions and reductions is recommended for deletion. Several of the items listed as optional deductions are now included as mandatory deductions in the legally referenced policy at this code and therefore are unnecessary to list in local policy. Other employee requests for deductions can be addressed in administrative regulations.

The provisions addressing deductions for unauthorized leave are included in DEC(LOCAL), the policy on leaves and absences.

CG (LEGAL) BONDED EMPLOYEES AND OFFICERS

This legally referenced policy addressing bonding of employees and officers is recommended for inclusion in the district's policy manual. These existing statutory provisions explain the circumstances when district employees and officers are required to post bond.

CK (LOCAL) SAFETY PROGRAM/RISK MANAGEMENT

The recommended revisions to this local policy addressing safety are to reflect common district practice and to streamline the policy. Recognizing that it is impractical to include the details of the district's safety and risk management programs in board policy, the recommended policy text gives broad authority to the superintendent to develop, implement, and promote comprehensive safety programs to address the safety of all who interact with the district.

In line with the broad scope of CK(LOCAL), specific provisions addressing student safety at FFF(LOCAL) are recommended for deletion. See FFF(LOCAL), below.

COB (LEGAL) FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

Effective with the 2014–15 school year, SB 376 requires that, if 80 percent or more of the students on a campus that participates in the national school BREAKFAST PROGRAM qualify for a free or reduced-priced breakfast, the campus must offer a free breakfast to every student.

The district may obtain for a campus a waiver from this requirement, not to exceed one year, if the board lists the issue separately on the agenda, receives public comment, and votes to request the waiver at the annual meeting to adopt the budget and tax rate.

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CRF (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
UNEMPLOYMENT INSURANCE

We have added existing statutory provisions that address how a district should handle the INITIAL CLAIM AND RESPONSE to a claim for unemployment benefits.

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

A new provision from SB 366 permitting a district to establish ROTH CONTRIBUTION PROGRAMS, if authorized by federal law, has been added on page 1.

DAC (LOCAL) EMPLOYMENT OBJECTIVES
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

This local policy addressing objective criteria for personnel decisions is recommended for deletion. The policy was originally required by Civil Order 5281, which is no longer applicable to your district.

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

The Texas Constitution prohibits individuals from holding at the same time more than one civil office of emolument, with certain exceptions. An existing statutory provision, added at HOLDING CIVIL OFFICE on page 4, clarifies that state military service is not considered to be a civil office of emolument. Therefore, state military service would not disqualify an individual from employment at a school district during the period of military service.

DEAA (LEGAL) COMPENSATION AND BENEFITS
INCENTIVES AND STIPENDS

HB 1751 repealed the District Awards for Teacher Excellence (DATE) program and created the Educator Excellence Innovation Program (EEIP), which is a competitive grant program for the purpose of systematically transforming educator quality and effectiveness. New Commissioner rules on the EEIP, effective November 18, 2013, address:

- District eligibility;
- The requirement to develop a local educator excellence innovation plan;
- Use of grant funds, which can include mentoring, evaluation systems, restructuring of the school day or year, alternative teacher compensation or retention systems, and incentives to reduce turnover; and

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- Waiver requests for certain statutory requirements, which require approval by a majority of the educators employed at each campus for which the waiver is sought, along with other conditions listed in the policy.

DK (LEGAL) ASSIGNMENT AND SCHEDULES

Changes to this policy are a result of amendments to State Board for Educator Certification rules:

- Chapter 231 of the Texas Administrative Code includes the credentials appropriate for each ASSIGNMENT. As a result, we have deleted the note that referenced the previous Administrative Code chart.
- Significant detail has been added regarding EMERGENCY PERMITS, including the steps the superintendent must take to activate a permit, obtaining educator consent, the eligibility requirements for individuals, and the validity and renewal of permits.

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

Amendments to State Board for Educator Certification (SBEC) rules effective August 15, 2013, clarify that SBEC requirements regarding assignment of certified employees apply to substitute teachers and require the district to keep a list of any uncertified substitute teachers.

We have added a Note to explain that state law notification requirements regarding inappropriate or uncertified teachers are met if the district also must give notice that a teacher is not highly qualified under the No Child Left Behind Act.

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

Beginning on page 7, a new provision from HB 897 requires each district to provide CPR INSTRUCTION to students in grades 7–12. The training can be attached to any course, but students must have the training at least once before graduation. The requirement may be waived for a student with a disability.

Provisions addressing donations for CPR instruction have been moved to this code from EHBK.

EHBK (LEGAL) SPECIAL PROGRAMS OTHER INSTRUCTIONAL INITIATIVES

Provisions in this legally referenced policy have been grouped into mandatory and optional events. Existing statutory detail regarding public school observations has been added at several of the recognition events.

Provisions addressing donations for CPR instruction have been moved to EHAC.

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EHDC (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

Amended State Board rules on credit by examination without prior instruction align the rules with changes from HB 2694 and SB 1365. The rules specify that if a student earns a score of 80 percent or higher on an examination, the student is not required to take an end-of-course (EOC) assessment for the course.

At BOARD-APPROVED EXAMINATIONS, the rules require district-developed examinations for a course without an EOC assessment to meet the test validation requirements listed in the policy by the 2018–19 school year.

A district must provide one window for testing during each of the four calendar quarters. See ANNUAL ADMINISTRATION on page 2.

At LIMITATIONS ON TAKING EXAMINATIONS, the rules repeat statutory provisions prohibiting a student from attempting to earn credit by examination for a specific high school course more than two times and requiring enrollment in the course if a student fails to earn credit by examination for a specific high school course before the school year in which the student would ordinarily enroll in the course.

EHDC (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

HB 2694, SB 1365, and recent State Board rules prompted recommended changes to this policy regarding credit by examination without prior instruction. Because many of the issues previously recommended for inclusion in local policy are now addressed in the rules, we recommend deleting from this local policy provisions addressing selection of test dates, requests for alternate examinations or test dates, fees, and award of credit. The broad language in the first paragraph of the policy requires the district to provide opportunities for credit by examination in accordance with law and State Board rule using examinations that, as required by law, are approved by the school board.

EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

This legally referenced policy addressing graduation has been extensively revised as a result of legislation and new State Board of Education rules.

As a result of HB 5, at the high school level, a staff member must review PERSONAL GRADUATION PLAN (PGP) options with all entering ninth graders and their parents. By the end of the school year, the student and parent must sign a PGP that identifies a course of study. A student may change his or her PGP; if so, the district must notify the student's parent.

Beginning on page 5 are new State Board rules addressing graduation requirements for STUDENTS ENTERING GRADE 9 IN THE 2014–15 SCHOOL YEAR and specific requirements for the FOUNDATION HIGH SCHOOL PROGRAM, including information on endorsements, permissible substitutions for physical education and fine arts, and performance acknowledgements.

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Other changes, beginning on page 10, address the TRANSITION TO THE FOUNDATION HIGH SCHOOL PROGRAM and are a result of new Commissioner's rules, effective December 16, 2013. Students who entered grade 9 before the 2014–15 school year may graduate under one of the three previous graduation plans if they were participating in that program before the 2014–15 school year, or these students can graduate under the foundation program if they take courses under it during the 2014–15 school year. At any time prior to graduation, these students may choose to complete a different high school program than that selected by the student in the 2014–15 school year.

We have deleted obsolete provisions regarding graduation requirements for students who entered grade 9 before the 2007–08 school year.

Please note: In early March, Policy Service sent the district a brief electronic survey to gather information about the district's decisions regarding the foundation graduation program that must be included in board-adopted policy, such as whether the district will require additional credits for graduation and whether students may substitute certain courses and activities for physical education and fine arts credits. From the survey responses, the district's policy consultant will develop and send a draft of EIF(LOCAL) for board adoption, separate from Update 99.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Revised Commissioner's rules, effective February 13, 2014, resulted in changes to this legally referenced policy.

- For STUDENTS ENROLLED BELOW HIGH SCHOOL LEVEL who take a high school course with an applicable end-of-course (EOC) assessment, the assessment result shall be applied toward the student's high school assessment graduation requirements. See page 5.
- At ASSESSMENT REQUIREMENTS FOR GRADUATION, the rules clarify that a student must meet satisfactory performance on each required EOC assessment to receive a Texas diploma. However, the rules provide EXCEPTIONS for a student who was administered separate reading and writing EOC assessments under certain circumstances.
- The rules deleted a provision addressing students receiving SPECIAL EDUCATION services who are enrolled in a course for which there is no alternative version of the EOC assessment and a provision allowing a student to request to take an EOC when the student is not required to take an EOC assessment.
- On page 7, the rules prohibit an EOC assessment from being used for the purposes of CREDIT BY EXAMINATION.
- At RETAKES, the rules clarify that if a student must retake a course that he or she failed but for which the student achieved satisfactory performance on the EOC assessment, the student is not required to retake the assessment.

At SUBSTITUTE ASSESSMENTS, on page 6, we have added new Commissioner's rules, effective December 16, 2013. These rules explain when a student is eligible to use a substitute assessment in place of an EOC assessment required for graduation. A substitute assessment may be used in place of only one EOC assessment. After the student provides his or her score on a substitute assessment, the district must verify the results.

Text on exit-level assessments has been deleted, as students subject to these graduation testing requirements will graduate in 2014.

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Revised Commissioner's rules, effective March 2, 2014, clarify that a district must notify each student's teacher in the tested subject of the student's test results. See TO PARENTS, STUDENTS, AND TEACHERS on page 8.

FBA (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY
SERVICE ANIMALS

Changes to this policy are from HB 489, which updated state law provisions regarding assistance animal access to public facilities to better correspond with the federal Americans with Disabilities Act rules regarding service animals.

As reflected on page 3, an ASSISTANCE ANIMAL may also be referred to as a service animal and is now limited to dogs. Specific statutory requirements regarding the trainer of an assistance animal in training have been deleted.

At HARASSMENT AND HARM PROHIBITED, an existing statutory definition of *harass* has been added to support existing provisions prohibiting harassment and other such activities against an assistance animal. Another new provision provides that a person is not entitled to ask about a service animal's qualifications or certifications for purposes of granting access to a public facility except as needed to determine the type of assistance provided by the animal.

The bill also amended the PENALTIES that may be assessed against a person who violates state law regarding assistance animal access.

FFF (LOCAL) STUDENT WELFARE
STUDENT SAFETY

As mentioned above, the content of this local policy addressing student safety is covered under the broad provisions of CK(LOCAL). Therefore, this local policy is recommended for deletion.

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

Based on recommendations by the U.S. Department of Education, Office for Civil Rights (OCR), we have amended the text of this policy to clarify that the TITLE IX COORDINATOR also handles reports of gender-based harassment and to require that the district give NOTIFICATION OF THE OUTCOME of an investigation to the relevant parties.

Recommended changes at INVESTIGATION OF THE REPORT explain how the district should proceed with its investigation when a criminal or regulatory investigation is occurring at the same time. The revisions provide that if a law enforcement or regulatory agency notifies the district of an investigation, the district will confer with the criminal or regulatory agency to determine if the district's investigation would impede the agency's investigation. During the agency investigation, the district will continue with its investigation only to the extent that it does not impede the agency investigation. Once the agency has finished gathering its evidence, however, the district is obligated to resume its investigation. Prior to completion of the district's investigation, and regardless of whether a criminal or regulatory investigation is pending, the district must take INTERIM ACTION if appropriate to address prohibited conduct or bullying.

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At CONCLUDING THE INVESTIGATION, we have clarified that a pending agency investigation could constitute an extenuating circumstance that would prevent the district from completing its investigation within 10 business days.

A recommended change at CORRECTIVE ACTION replaces a reference to *harassment* with *prohibited conduct* for consistency with the terminology throughout the policy.

Language at APPEAL has been amended to clarify that either a student or *parent* may appeal the outcome of an investigation.

Please note: Board action may also be required for FB(LOCAL) and DIA(LOCAL). Carefully review the contact information for the district's TITLE IX COORDINATOR and ADA/SECTION 504 COORDINATOR in FFH(LOCAL). If the contact information has changed, you will need to update the information in this policy and in FB(LOCAL). If the same individuals serve as the coordinators for students and employees, you will also need to update DIA(LOCAL). Contact your policy consultant for drafts, since any policy revisions will need board action.

GB (LEGAL) PUBLIC INFORMATION PROGRAM

This legally referenced policy addressing notification to students and parents about indoor pest control application is recommended for deletion. This provision is already included in FD(LEGAL), addressing student admissions.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM ACCESS TO PUBLIC INFORMATION

Changes to the definition of "public information" on page 1 are from SB 1368. Public information now includes information that is *written* or *produced* (in addition to collected, assembled, or maintained) under a law or ordinance or in connection with the transaction of official business:

- For a board that spends public money to write, produce, collect, assemble, or maintain the information; or
- By an individual officer or employee of a district in his or her official capacity if the information pertains to official business of the district.

The definition of public information also includes any electronic communication on any device if the communication is in connection with the transaction of official business. New definitions of "official business" and "in connection with the transaction of official business" and a list of the FORMS OF PUBLIC INFORMATION have been added.

A new provision from HB 2414 and SB 1297 on page 3 provides that if a board maintains an ONLINE MESSAGE BOARD, communications removed from the board must be maintained for six years and are public information.

Regarding public access to PERSONAL INFORMATION, HB 2961 prohibits a district from requiring an employee or former employee to choose whether to allow access to the employee's or former employee's social security number.

The date of birth of PEACE OFFICERS/SECURITY OFFICERS and certain other individuals is confidential in accordance with HB 1632. See page 4.

There are several changes to the list of INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE beginning on page 7:

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- At item 2, a Texas Supreme Court case from 2010 explains the balancing test that will be applied to the disclosure of an employee's birth date;
- At item 12, a new provision from SB 1512 prohibits a district from releasing a sensitive crime scene image that is in the district's possession;
- At item 21, HB 1009 protects from disclosure the identity of a school marshal; and
- At item 34, HB 3357 expands the protections for records related to participants in the TRS retirement program.

GKA (LEGAL) COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

A revision at TRESPASS on page 1 is to better track the statutory language, which provides that an *unauthorized* person who trespasses on school district grounds commits a misdemeanor.

GNC (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES
COLLEGES AND UNIVERSITIES

At DROPOUT RECOVERY PROGRAM beginning on page 2, we have deleted obsolete text, including an effective date and provisions limiting district eligibility.

INTRODUCTION

This manual contains policies governing the operation of this District.

The policies are included because they are required by law or by the Texas Education Agency; because they are recommended by the Texas Association of School Boards as essential to effective District governance and management; or because the Board wishes to make a statement in a particular policy area.

This Localized Policy Manual was created with the assistance of TASB Policy Service and adheres to certain structural conventions. The most visible of these conventions is the presence of separate (LEGAL) and (LOCAL) policies at many policy codes. This separation, described in greater detail below, serves to help all users—whether members of the public or members of the Board—distinguish between the requirements of an extensive body of school law and the policy determinations of the local Board. Policy BE(LEGAL), for instance, recites statutes and case law governing meetings of the Board, while policy BE(LOCAL) adds a local dimension (agenda preparation, meeting time/place, and the like). To fully understand policy regarding Board meetings, therefore, the manual user should consider both the (LEGAL) and the (LOCAL) policies together.

This policy manual and its updates are 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.

BASIC ORGANIZATION

The District's manual is organized on the same basis as the *TASB Policy Reference Manual*. There are seven sections, each devoted to a separate area of District governance:

- A — Basic District Foundations
- B — Local Governance
- C — Business and Support Services
- D — Personnel
- E — Instruction
- F — Students
- G — Community and Governmental Relations

TABLES OF CONTENTS

Each section of the manual has a table of contents that lists the policy topics in that section with their respective codes. The tables of contents are designed for expansion and may contain topics that do not have a corresponding policy in the manual.

In Policy On Line®, the table of contents for a particular section contains a list of documents—each an active link—that appear in that section.

CROSS-INDEX

A comprehensive cross-index lists topics and provides the policy codes under which information is found. Entries in the cross-index reflect statutory terminology, common usage, and significant margin notes. Because the cross-index is used also for the *TASB Policy Reference Manual* and the *TASB Regulations Resource Manual*, it contains some references to codes and topics more appropriate for a local administrative procedures manual than a board policy manual.

In Policy On Line, the cross-index contains active links to the identified policy codes where materials on a given topic may be found.

LEGALLY REFERENCED POLICIES

The legally referenced “(LEGAL)” policies track the language of the U.S. and Texas Constitutions; federal and state statutes, including the Texas Education Code; attorney general opinions; the Texas Administrative Code, including Commissioner’s and State Board of Education rules; and other sources of authority defining the legal context for local school district governance and management.

Policy statements that cite court cases or attorney general opinions stand only for the specific statements in the policy and do not otherwise implicate the elements, contents, or conclusions of the cited authority. Such citations are provided only for reference; no other meaning is implied or intended.

The (LEGAL) policies within this manual represent the working core of legal provisions, critical to day-to-day, month-to-month decision making, regarding District governance and management. The absence of a (LEGAL) policy at a given policy code in this manual may mean that the law is silent regarding this topic.

All legally referenced policies have the designation “(LEGAL)” in the upper right corner of each page directly below the alphabetical code. This code is repeated in the lower left corner where it is followed by the (LEGAL) designation and a “version” identifier as described below.

VERSIONS

The (LEGAL) policies found in this manual derive from (LEGAL) policies found in corresponding codes in the *TASB Policy Reference Manual*. While the *TASB Policy Reference Manual* contains provisions applicable to all districts as well as mutually exclusive provisions designed for districts of different types, sizes, and geographical locations, this Localized Policy Manual contains legal provisions specific to the District and included to inform local action.

The (LEGAL) “versions” developed by TASB Policy Service include only the legal provisions relevant to a particular district and are identified by a letter (or letter/number combination) other than “-P”

in the lower left corner of the page. To review the full range of options within a (LEGAL) policy, refer to the same code in the *TASB Policy Reference Manual*.

CITATIONS

In (LEGAL) policies, citations that are attached to a provision or paragraph apply only to that text. Citations that are separated from the policy text by a double line space govern all material above the citation or up to the previous citation.

ABBREVIATIONS

The following abbreviations are used in the italicized legal citations in the manual:

Art.	Article
Atty. Gen. L.A.	Attorney General Letter Advisory
Atty. Gen. L.O.	Attorney General Letter Opinion
Atty. Gen. Op.	Attorney General Opinion
Atty. Gen. ORD	Attorney General Open Records Decision
Business and Commerce Code	Texas Business and Commerce Code
C.F.R.	Code of Federal Regulations
Civ. Prac. & Rem. Code	Texas Civil Practices and Remedies Code
Code of Criminal Procedure	Texas Code of Criminal Procedure
Education Code	Texas Education Code
Election Code	Texas Election Code
F.Supp.	Federal Supplement
F.2d	Federal Reporter, Second Series
F.3d	Federal Reporter, Third Series
Family Code	Texas Family Code
Gov't Code	Texas Government Code
Health and Safety Code	Texas Health and Safety Code
Human Resources Code	Texas Human Resources Code
Insurance Code	Texas Insurance Code
Labor Code	Texas Labor Code
Local Gov't Code	Texas Local Government Code
Occupations Code	Texas Occupations Code
Penal Code	Texas Penal Code
S.Ct.	Supreme Court Reporter
S.W.	Southwestern Reporter
S.W.2d	Southwestern Reporter, Second Series
S.W.3d	Southwestern Reporter, Third Series
TAC	Texas Administrative Code
Tax Code	Texas Tax Code

Tex. Const.	Texas Constitution
Trans. Code	Texas Transportation Code
U.S.	United States Reporter
U.S.C.	United States Code
U.S. Const.	United States Constitution
V.A.T.S.	Vernon's Annotated Texas Statutes

NO ADOPTION Please note that (LEGAL) policies are NOT adopted by the Board. These documents are snapshots of often rapidly evolving law and are intended to inform decision makers and others of the legal context. Some lag will occur between the enactment of new law and its reflection in the manual. Current law will supersede any out-of-date (LEGAL) policy, in accordance with BF(LOCAL) in this manual.

LOCAL POLICIES Local policies are identified by the designation (LOCAL) directly below the alphabetical code, in the upper right corner of each page and again in the lower left corner.

Local policies that are preceded by a (LEGAL) policy in the same code generally expand on, or qualify, the legally referenced provisions. Other (LOCAL) policies stand alone, reflecting the Board's intentions in areas not otherwise addressed by law.

VERSIONS Local policy versions have been created to reflect language common to many districts and determined by the Board to be appropriate for the District. Local versions have the code in the lower left corner with the designation (LOCAL) followed by a letter (or letter/number combination) that identifies the version.

UNIQUE LOCAL POLICIES A unique local policy developed by the District can be distinguished from the standard local versions by the designation (LOCAL)-X in the lower left corner of the page.

REGULATIONS Some districts have chosen to supplement their manuals with administrative procedures to assist in implementation of policy. These will be identified by the designation (REGULATION) directly below the code in the upper right corner. Regulations are not adopted by the Board.

EXHIBITS Exhibits are documents containing forms, notices, and the like, that are used by the District; some exhibits are promulgated by legal authority. While not adopted by the Board, they are included in the District's manual to assist in the implementation of policy. Exhibits have the designation (EXHIBIT) directly below the code, in the upper right corner. Multiple exhibits under the same code are usually preceded by a cover page listing the various exhibits.

The usual sequence of materials, should all four documents be found at a given code, is (LEGAL), followed by (LOCAL), followed by (REGULATION), and then by (EXHIBIT).

MARGIN NOTES

Margin notes within an individual policy provide a key to the content of the paragraph or group of paragraphs they introduce, and significant margin notes are usually listed in the cross-index. Margin notes also provide a useful way to organize or map the information: Margin notes aligning on the left margin reflect generally independent topics. Indented margin notes are used to outline subtopics introduced by the major, nonindented margin note.

BOTTOM NOTES

In addition to the document code, type, and version, the following bottom notes appear on policies, regulations, and exhibits in the manual:

DATE ISSUED: Found in the lower left corner of each page, this indicates the date on which the document was last issued by TASB.

UPDATE: Shows the numbered TASB update or the Local District Update in which that document was most recently revised.

ADOPTED: At the center, bottom of a one-page policy or on the last page of a multi-page policy is the word "ADOPTED" followed by the date on which the Board last acted upon the policy. This notation appears only on (LOCAL) policies.

OFFICIAL MANUAL

The official manual of the District has been designated in accordance with BF(LOCAL). No other manuals shall be considered authoritative or binding.

Revisions and amendments to the policy manual occur in two basic ways:

1. TASB periodically issues *TASB Policy Reference Manual* and *Localized Policy Manual* updates in response to changes effected by legal authority governing school districts. TASB updates, which are numbered sequentially, present to the local Board (LEGAL) policies for its review and (LOCAL) policies for its consideration and adoption. Through these updates, the manual remains consistent with evolving statutory and regulatory requirements.
2. Policy revisions may be initiated by the District at any time. The Board may revise policy in response to a TASB-initiated update by adjusting local text presented for its consideration;

or the Board may adopt or revise policy on its own initiative in response to changing local circumstances.

In every case, local policy revisions initiated by the District must be submitted to TASB as a Local District Update for review by Policy Service consultants and TASB attorneys, who will alert the District if the changes are potentially troublesome or increase the legal exposure of the District. The revisions are processed into the electronic file maintained for each district. After the District notifies Policy Service that the Board has adopted the revisions, copies are sent to the District for incorporation into its Localized Policy Manual, and Policy On Line is updated with the revised text. The effectiveness of the updating system depends on the accuracy of TASB records; for this reason it is critical that revisions be promptly submitted to TASB Policy Service.

TASB USE OF
DISTRICT RECORDS

Participating districts agree to allow TASB Policy Service to use District policy records maintained by Policy Service in statistical studies or projects aimed at achieving TASB's goal of supporting public education in the state of Texas. In no event shall TASB, Inc. act as custodian of District records within the meaning of that term in the public information law.

HOME-RULE DISTRICTS

AG
(LEGAL)

The District may choose to operate under a home-rule charter.
Adoption of a home-rule charter does not affect:

1. The District's boundaries.
2. Taxes or bonds of the District authorized before the effective date of the charter.

Education Code 12.0011, .011

POWERS OF HOME-
RULE DISTRICT

The home-rule District has the powers and entitlements granted to school districts and school district boards, including taxing authority. The home-rule District is subject to federal and state laws and rules governing school districts except:

1. The home-rule District is subject to the Education Code only to the extent a provision of the Education Code specifically provides for the applicability to a home-rule district;
2. The home-rule District is subject to a rule adopted by the State Board of Education (SBOE) or the Commissioner only if the code provision authorizing the rule specifically applies to a home-rule district; and
3. The home-rule District is subject to all requirements of federal law and applicable court orders relating to eligibility for and the provision of special education and bilingual programs.

NONDISCRIMINATION

The above statements do not permit the home-rule District to discriminate against a student who has been diagnosed as having a learning disability, including dyslexia or attention deficit/hyperactivity disorder. Prohibited discrimination includes denial of placement in a gifted and talented program if the student would otherwise be qualified for the program but for the student's learning disability.

The above statements do not permit the home-rule District to, on the basis of race, socioeconomic status, learning disability, or family support status, place a student in a program other than the highest level program necessary to ensure the student's success.

Education Code 12.012(a), (c)

CHARTER
COMMISSION

The Board shall appoint a charter commission to frame a home-rule school district charter if:

1. The Board receives a petition requesting the appointment of a charter commission signed by at least five percent of the District's registered voters; or

2. At least two-thirds of the total membership of the Board adopts a resolution ordering the appointment of a charter commission.

The Board must appoint the commission by the 30th day after receipt of the petition or adoption of the resolution.

The commission must complete the proposed charter not later than the first anniversary of the date of the commission's appointment. After that date, the commission expires and the appointment of the commission is void.

Education Code 12.014, .015(a), (c)

MEMBERSHIP

The charter commission shall consist of 15 District residents. The membership must reflect the racial, ethnic, socioeconomic, and geographic diversity of the District. A majority of the commission members must be parents of school-age children attending public school. At least 25 percent of the commission must be classroom teachers selected by representatives of the professional staff as provided by the planning process under Education Code 11.251(e). [See BQ series] *Education Code 12.015(a)–(b)*

GOVERNMENTAL
BODY

The charter commission is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.015(d)*

CONTENT OF HOME-
RULE CHARTER

The home-rule charter must:

1. Describe the educational program to be offered.
2. Provide that continuation of the charter is contingent on:
 - a. Acceptable student performance on assessment instruments.
 - b. Compliance with other applicable accountability provisions.
3. Specify any basis, in addition to a basis specified at Education Code Chapter 11, Subchapter B, on which the charter may be placed on probation or revoked.
4. Describe the governing structure of the District and campuses.
5. Specify any procedure or requirement, in addition to those at Education Code Chapter 38 [see FF series], the District will follow to ensure the health and safety of students and employees.

HOME-RULE DISTRICTS

AG
(LEGAL)

6. Describe the process by which the District will adopt an annual budget, including the use of program-weight funds.
7. Describe how the annual audit of the District's financial and programmatic operations will be conducted, including how the District will provide the necessary information to participate in the Public Education Information Management System (PEIMS).
8. Include any other provision the charter commission considers necessary.

Education Code 12.016

REVIEW BY
COMMISSIONER OF
EDUCATION

The charter commission shall submit the proposed charter to the Commissioner of Education. The Commissioner shall review the charter for compliance with applicable laws and recommend any necessary modifications. If the Commissioner does not act within 30 days after the date the Commissioner receives the proposed charter, the charter is approved. *Education Code 12.018*

CHARTER ELECTIONS

As soon as practicable after the Commissioner approves the charter, the Board shall order an election on the proposed charter. The election shall be held on the first uniform election date that occurs at least 45 days after the date the Board orders the election.

At least three copies of the proposed charter must be available in the office at each school campus and at the District's central administrative office between the date of the election order and election day. Notice of the election must include a statement of where and how copies may be obtained or viewed. A summary of the proposed charter shall be attached to each copy. The summary shall also be made available to District employees, parents, community members, and the media.

The ballot shall be written to permit voting for or against the proposition: "Whether the (name of District) shall be governed under the home-rule district charter, which is proposed by a charter commission appointed by the Board and under which only certain laws and rules apply to the District."

Education Code 12.019

MINIMUM VOTER
TURNOUT

An election on the adoption of a proposed home-rule charter has no effect unless at least 25 percent of the registered voters of the District vote in the election.

If the required number of voters does not vote in the election, the Board shall order another election to be held on the first uniform election date:

HOME-RULE DISTRICTS

AG
(LEGAL)

1. That occurs at least 45 days after the election is ordered, and
2. On which one or more elections are to be held, the combination of which covers all the territory of the District.

If the required number of voters does not vote in the election, the Board may continue to order elections until the required minimum is achieved.

Education Code 12.022

CHARTER
AMENDMENTS

A home-rule charter may be amended pursuant to Education Code 12.020 and .022(b).

ADOPTION OF
CHARTER OR
AMENDMENT

Subject to Education Code 12.022 (minimum voter turnout), the proposed charter or amendment is adopted if approved by a majority of the qualified voters of the District voting in the election. The charter or amendment shall specify an effective date and takes effect according to its terms when the Board enters an order declaring the charter or amendment adopted. The Board shall enter the order not later than the tenth day after the date the canvass of the election returns is completed.

As soon as practicable after the District adopts the charter or amendment, the Board shall notify the Commissioner of the outcome of the election.

Education Code 12.021

CERTIFICATION OF
CHARTER

As soon as practicable after the charter or amendment is adopted, the Board President shall certify to the secretary of state a copy of the charter or amendment showing voter approval. The secretary of state shall file and record the certification. A recorded charter or amendment is a public act. A court shall take judicial notice of a recorded charter or amendment and proof is not required of its provisions. *Education Code 12.023, .024*

GOVERNANCE OF
HOME-RULE DISTRICT

The home-rule District may adopt and operate under any governing structure. The home-rule District may create offices, determine the time and method for selecting officers, and prescribe the qualifications and duties of officers. The term of any officer shall be three or four years, as determined under Education Code 11.059. *Education Code 12.025*

CHANGE IN
GOVERNING BODY

If the adoption, amendment, or revocation of a home-rule school district charter changes the structure of the Board, the members serving on the date the adoption, amendment, or revocation takes effect shall continue in office until their successors have been chosen and have qualified for office. *Education Code 12.026*

HOME-RULE DISTRICTS

AG
(LEGAL)

REQUIREMENTS
UNDER EDUCATION
CODE

The home-rule District is subject to:

1. Provisions of the Education Code establishing a criminal offense.
2. Provisions of the Education Code relating to limitations on liability.
3. Prohibitions, restrictions, or requirements relating to:
 - a. PEIMS, as determined by the Commissioner.
 - b. Educator certification under Education Code Chapter 21 and educator rights under Education Code 21.407, .408, and 22.001. [See CFEA, DGA]
 - c. Criminal history records under Education Code Chapter 22, Subchapter C. [See DBAA]
 - d. Student admissions under Education Code 25.001. [See FD]
 - e. School attendance under Education Code 25.085–28.087. [See FEA]
 - f. Interdistrict transfers under Education Code Chapter 25, Subchapter B. [See FDA]
 - g. Elementary class-size limits, in the case of any campus that fails to satisfy any standard under Education Code 39.054(e).
 - h. High school graduation under Education Code 28.025. [See EIF]
 - i. Special education programs under Education Code Chapter 29, Subchapter A. [See EHBA series]
 - j. Bilingual education under Education Code Chapter 29, Subchapter B. [See EHBE]
 - k. Prekindergarten programs under Education Code Chapter 29, Subchapter E. [See EEL, EHBG]
 - l. Safety provisions relating to the transportation of students under Education Code 34.002–.004 and .008. [See CNA, CNB, CNC]
 - m. Computation and distribution of state aid under Education Code Chapters 31, 42, and 43.
 - n. Extracurricular activities under Education Code 33.081. [See FM]

HOME-RULE DISTRICTS

AG
(LEGAL)

- o. Health and safety under Education Code Chapter 38. [See FF series]
- p. Public school accountability under Education Code Chapter 39, Subchapters B, C, D, E and J.
- q. Equalized wealth level under Education Code Chapter 41.
- r. Bonds or other obligations or tax rates under Education Code Chapters 42, 43, and 45.
- s. Purchasing under Education Code Chapter 44. [See CH]

Education Code 12.013(b)

EMPLOYEES OF
HOME-RULE
DISTRICTS

An employee who qualifies for membership in the Teacher Retirement System shall be covered in the same manner and to the same extent as a qualified employee employed by an independent school district. *Education Code 12.012(b)*

RESCISSION OF
CHARTER

The Board shall order an election on the question of rescinding the home-rule school district charter if:

- 1. The Board receives a petition requesting a rescission election signed by at least five percent of the registered voters of the District; or
- 2. At least two-thirds of the Board adopts a resolution ordering the election.

Rescission of a home-rule charter does not affect:

- 1. District boundaries.
- 2. Taxes or bonds of the District authorized before the effective date of the rescission.

Education Code 12.030(b), (h)

PROBATION OR
REVOCATION OF
CHARTER

The SBOE may place a home-rule charter on probation or revoke the charter. *Education Code 12.027, .028; 19 TAC 100.201*

STATUS OF DISTRICT
IN CASE OF
ANNEXATION OR
CONSOLIDATION

If the District is annexed to another district under Education Code Chapter 13, and only one of the districts is a home-rule district, the status of the receiving district shall be the status of both districts following annexation. The petition under Education Code 13.003 must state the status for the consolidated district. *Education Code 12.029*

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

ACCREDITATION	<p>Each district must be accredited by TEA. A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. <i>Education Code 11.001, 39.052(f)</i></p> <p>As a condition of accreditation, the State Board of Education (SBOE) shall require the District to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the District an Algebra II course. <i>Education Code 28.002(c)</i></p>
STATUSES	<p>The Commissioner shall determine criteria for the following accreditation statuses:</p> <ol style="list-style-type: none">1. Accredited2. Accredited-warned3. Accredited-probation <p><i>Education Code 39.051</i></p>
CRITERIA	<p>In determining the accreditation status of the District, the Commissioner shall consider performance on student achievement indicators [see STUDENT ACHIEVEMENT INDICATORS, below] and financial accountability [see CFA].</p> <p>The Commissioner may also consider:</p> <ol style="list-style-type: none">1. The District's compliance with statutory requirements and requirements imposed by rule of the Commissioner or SBOE that relate to:<ol style="list-style-type: none">a. Reports required by state or federal law or court order;b. High school graduation requirements; orc. Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs.2. The effectiveness of the District's programs for special populations; and3. The effectiveness of the District's career and technology program. <p>The District's accreditation status may be raised or lowered based on the District's performance. The District's accreditation status may be lowered based on the performance of one or more cam-</p>

uses in the District that is below a standard required by Education Code Chapter 39, Subchapter F.

Education Code 39.052(b)

STUDENT
ACHIEVEMENT
INDICATORS

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

1. The results of state assessments, including the results of assessments required for graduation and retaken by students;
2. Dropout rates;
3. High school graduation rates;
4. The percentage of students who successfully completed the requirements for the distinguished level of achievement under the foundation high school program;
5. The percentage of students who successfully completed the requirements for an endorsement; and
6. At least three additional indicators of student achievement, which must include either:
 - a. The percentage of students who satisfy the college readiness benchmarks on an assessment instrument in reading, writing, or mathematics; or
 - b. The number of students who earn:
 - (1) At least 12 hours of postsecondary credit required for the foundation high school program or to earn an endorsement;
 - (2) At least 30 hours of postsecondary credit required for the foundation high school program or to earn an endorsement;
 - (3) An associate's degree; or
 - (4) An industry certification.

An indicator adopted that would measure improvements in student achievement cannot negatively affect the Commissioner's review of a district or campus if that district or campus is already achieving at the highest level for that indicator.

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

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

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

Education Code 39.053

NOTICE OF STATUS

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

DROPOUT RECOVERY
SCHOOLS

The Commissioner shall designate as a dropout recovery school a district or a campus that:

1. Serves students in grades 9 through 12;
2. Has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year; and
3. Meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the Commissioner.

The Commissioner shall use the alternative completion rate at Education Code 39.0545 to determine the student achievement indicator for a dropout recovery school.

Education Code 39.0545

QUALITY OF
LEARNING
INDICATORS

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

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, articulated postsecondary degree programs, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subse-

quent assessments, aggregated by grade level and subject area;

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

Education Code 39.301

PERFORMANCE
RATINGS

Each year, the Commissioner shall assign each district and campus a performance rating of either acceptable or unacceptable performance. The Commissioner shall evaluate against state standards and consider the performance of each campus in the District on the basis of the campus performance on the student achievement indicators other than, to the greatest extent possible, the student achievement indicator related to results of state assessments.

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

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

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

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

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

Education Code 39.053(c)(1), .054

In determining the performance rating of a dropout recovery school [see DROPOUT RECOVERY SCHOOLS, above]:

1. Any student described by Education Code 39.053(g-1) who graduates or receives a high school equivalency certificate shall be included; and
2. Only the best result from the primary administration and any retake of an assessment instrument administered to a student in the school year evaluated under the accountability procedures adopted by the Commissioner may be considered.

Education Code 39.0545

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

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
(LEGAL)

DISTRICT AND
CAMPUS DISTINCTION
DESIGNATIONS

The Commissioner shall award distinction designations to districts and campuses. A distinction designation shall be referenced directly in connection with the performance rating assigned to the District or campus and made publicly available together with the District or campus performance ratings.

The District or campus may not be awarded a distinction designation unless the District or campus has acceptable performance on the student achievement indicators.

Education Code 39.201

The Commissioner shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness. *Education Code 39.202*

CAMPUS
DESIGNATIONS

The Commissioner shall award campus distinction designations for outstanding performance in improvement in student achievement, closing student achievement differentials, academic achievement in English language arts, mathematics, science, or social studies, and may award a campus distinction designation for outstanding performance in advanced middle or junior high school student achievement. *Education Code 39.203*

EXCELLENCE
EXEMPTIONS

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

An exemplary campus or district is not exempt from:

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

- h. At-risk programs;
- i. Prekindergarten programs;
- j. Rights and benefits of school employees;
- k. Special education programs; or
- l. Bilingual education programs.

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

Education Code 39.232

ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

AIC
(LEGAL)

ON-SITE
INVESTIGATIONS

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

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

The investigators shall report orally and in writing to the Board and, as appropriate, to campus administrators and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by the investigators shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve District performance using improvement techniques that are goal-oriented and research-based.

As a result of the investigation, the Commissioner may change the accreditation status of the District, change the accountability rating of the District or a campus, or withdraw a distinction designation.

Education Code 39.056

SPECIAL
ACCREDITATION
INVESTIGATIONS

The Commissioner may authorize a special accreditation investigation:

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

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

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the Commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;
13. When an excessive number of students is graduating with a particular endorsement;
14. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers;
15. In response to a complaint with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39; or
16. As the Commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

Based on the results of a special accreditation investigation, the Commissioner may take one of the actions listed below, lower the District's accreditation status or the District's or campus's perfor-

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mance rating, or both. Regardless of whether the Commissioner takes such actions, the Commissioner may impose one of the district- or campus-level interventions or sanctions listed at INTERVENTIONS AND SANCTIONS. *Education Code 39.057(d), (e)*

INTERVENTIONS AND
SANCTIONS

DISTRICT-LEVEL

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

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

relation to state standards and required improvement), or has failed to satisfy financial accountability standards, revoke the District's accreditation and:

- a. Order closure of the District and annex it to one or more adjoining districts; or
 - b. In the case of a home-rule school district charter, order closure of all programs operated under the District's charter; or
11. If the District has failed to satisfy any student achievement indicator standard, impose sanctions designed to improve high school completion rates.

Education Code 39.102(a)

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

CAMPUS-LEVEL

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

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

In addition, the Commissioner may:

1. Order the President of the Board, Superintendent, and the campus principal to appear at a hearing before the Commissioner or designee to explain the campus's low performance, lack of improvement, and plans for improvement; or

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AIC
(LEGAL)

2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the Commissioner.

Education Code 39.103(b)

CAMPUS
INTERVENTION
TEAM

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

The campus intervention team shall:

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

Education Code 39.106

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

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

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

RECONSTITUTION
AND OTHER
MEASURES

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

A campus intervention team shall assist the campus in:

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

Education Code 39.107(a)

The campus shall implement the updated targeted improvement plan. The Commissioner may appoint a monitor, conservator, management team, or board of managers to ensure and oversee District-level support to low-performing campuses and the implementation of the updated targeted plan. *Education Code 39.107(c)*

RETENTION OF
STAFF

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

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

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

RECONSTITUTION
UNSUCCESSFUL

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

Education Code 39.107(d)

UNACCEPTABLE
AFTER THREE
YEARS

If the campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is reconstituted, the Commissioner shall order repurposing, alternative management, or closure. *Education Code 39.107(e)*

The Commissioner may waive this requirement for not more than one school year if the Commissioner determines, on the basis of significant improvement in student performance over the preceding two school years, the campus is likely to be assigned an acceptable performance rating for the following school year. *Education Code 39.107(e)-(e-1)*

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PARENT
REQUEST

The Commissioner shall order the specific action (repurposing, alternative management, or closure) requested by the parents of a majority of students enrolled at the campus, if the Commissioner is presented, in the time and manner specified by Commissioner rule, a written petition signed by the parents. The signature of only one parent per student is required.

If the Board of the District in which the campus is located presents a written request that the Commissioner order a specific action (repurposing, alternative management, or closure) other than the action requested in the parents' petition and a written explanation of the basis for the Board's request, the Commissioner may order the action requested by the Board. The Board's request must be presented to the Commissioner in the time and manner specified by Commissioner rule.

Education Code 39.107(e-2)–(e-3)

REPURPOSING

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

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

1. All students in the assigned attendance zone are provided with the opportunity to enroll in and are provided transportation on request to another campus, unless the Commissioner grants an exception because there is no other campus in the District in which the students may enroll;
2. The principal is not retained at the campus, unless the Commissioner determines that students enrolled at the campus have demonstrated significant academic improvement; and
3. Teachers employed at the campus are not retained at the campus, unless the Commissioner or designee grants an exception, at the request of the District, for:
 - a. A teacher who provides instruction in a subject other than one for which an assessment instrument is administered who demonstrates satisfactory performance; or
 - b. A teacher who provides instruction in a subject for which an assessment is administered if the District demonstrates that the teacher's students demonstrated satisfactory performance or improved academic growth on that assessment instrument.

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(LEGAL)

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

Education Code 39.107(f)

ALTERNATIVE
MANAGEMENT

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

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

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

NO NAME CHANGE

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

PROFESSIONAL
SERVICES

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

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

Education Code 39.109

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COSTS OF
INTERVENTIONS AND
SANCTIONS

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

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

APPEALS

The Commissioner shall provide a process for the District to challenge an academic or financial accountability rating. The District may not challenge an academic or financial accountability rating in another proceeding if the District had an opportunity to challenge the decision under the process provided by the Commissioner. *Education Code 39.151*

RESTRICTIONS ON
PUBLIC SERVANTS —
PENAL CODE

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

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

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

Prohibited activities include, but are not limited to, the following:

BRIBERY

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

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

Penal Code 36.01(3), .02

ILLEGAL GIFTS

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

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the

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

EXCEPTIONS

“Illegal gifts to public servants” does not apply to:

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

Penal Code 36.10

HONORARIA AND
EXPENSES

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

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

ABUSE OF OFFICE

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

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

“Misuse” means to deal with property contrary to:

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

Penal Code 39.01(2)

NEPOTISM

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

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

Gov't Code 573.002, .041; Atty. Gen. Op. JC-184 (2000) [See DBE]

DEFINITION OF
PUBLIC OFFICIAL

"Public official" shall mean:

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

Gov't Code 573.001(3)

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

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

COUNTIES WITH
POPULATION
35,000 OR MORE

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

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

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

Education Code 11.1513(f)-(h)

ETHICS
PROHIBITED PRACTICES

BBFB
(LEGAL)

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

- b. Might reasonably tend to influence the Board member in the selection of instructional materials or technological equipment; and
- c. Could not be lawfully purchased with state instructional materials funds.

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

Education Code 31.152(b)–(d)

INSTRUCTIONAL
MATERIALS
VIOLATIONS—
PURCHASE AND
DISTRIBUTION

- 11. A Board member commits a class C misdemeanor offense if the Board member knowingly violates any law providing for the purchase or distribution of free instructional materials for the public schools. *Education Code 31.153*

RESTRICTIONS ON
PUBLIC SERVANTS—
FEDERAL LAW

BRIBERY—
GENERAL

The term “public official” means a person acting for or on behalf of the United States, or any department, agency, or branch thereof, in any official function, under or by authority of any such department, agency, or branch of government. The term includes any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed. *18 U.S.C. 201(a); Dixon v. U.S., 465 U.S. 482, 499 (1984) (holding that employees of a private organization that administered federal housing grants for city were “public officials” because they had some degree of official responsibility for carrying out a federal program or policy); U.S. v. Franco, 632 F.3d 880 (5th Cir. 2011)*

A public official commits an offense if the public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

- 1. Being influenced in the performance of any official act;
- 2. Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or
- 3. Being induced to do or omit to do any act in violation of the official duty of such official or person.

18 U.S.C. 201(b)(2)

BRIBERY—
FEDERAL
PROGRAMS

The term “agent” means a person authorized to act on behalf of another person or a government. In the case of a government, the term includes a servant or employee, and a partner, director, officer, manager, and representative.

The term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program.

If the District receives, in any one year period, benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of federal assistance, an agent of the District commits an offense if the agent:

1. Embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that:
 - a. Is valued at \$5,000 or more, and
 - b. Is owned by, or is under the care, custody, or control of the District; or
2. Corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of the District involving any thing of value of \$5,000 or more.

This provision does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

18 U.S.C. 666

The Board shall retain an attorney or attorneys, as necessary, to serve as the District's legal counsel and representatives in matters requiring legal services. Services to be performed and reasonable compensation to be paid by the Board shall be set forth in a written contract between the Board and the attorney or attorneys.

In accordance with the written contract, individual Board members shall channel legal inquiries through the Superintendent, Board President, or Board's designee, as appropriate, when seeking advice or information from the District's legal counsel.

Staff shall submit requests for legal advice from the District's legal counsel through the Superintendent or designee.

Upon request of the Board or when deemed necessary by the Superintendent, the Superintendent shall report advice from legal counsel.

West Orange-Cove CISD
181906

SUPERINTENDENT
PROFESSIONAL DEVELOPMENT

BJCB
(LEGAL)

TEAM BUILDING

The Superintendent's participation in team building sessions as part of the Board's continuing education [see BBD] shall represent one component of the Superintendent's ongoing professional development. *19 TAC 61.1(b)*

ADMINISTRATIVE REGULATIONS

BP
(LOCAL)

DEVELOPMENT

The Superintendent and administrative staff shall be responsible for developing and enforcing procedures for the operation of the District. These procedures shall constitute the administrative regulations of the District and shall consist of guidelines, handbooks, manuals, forms, and any other documents defining standard operating procedures.

The Superintendent or designee shall ensure that administrative regulations are kept up to date and are consistent with Board policy. The Superintendent or designee shall resolve any discrepancies among conflicting administrative regulations. In case of conflict between administrative regulations and policy, policy shall prevail.

NO BOARD ACTION

Administrative regulations are subject to Board review but shall not be adopted by the Board.

AVAILABILITY

All administrative regulations shall be made accessible to staff, students, and the public as required by law or Board policy.

The Board may establish, in cooperation with another district, an athletic stadium authority by resolution of both boards. The authority is a body politic and corporate governed by the requirements of the Education Code and shall be known by a name designated by the districts. *Education Code 45.152*

The authority shall, when deemed necessary, issue revenue bonds to provide funds for any of its purposes. The bonds shall be payable from and secured by a pledge of all or any part of the revenue derived from the operation of the stadium and any other revenues resulting from the ownership of stadium properties. The bonds may be additionally secured by a mortgage or deed of trust on the property of the authority.

Bonds shall be authorized by resolution adopted by a majority vote of a quorum of the board of directors of the authority, shall be signed by the president or vice-president and countersigned by the secretary, and the seal of the authority shall be imprinted. Bonds shall mature serially or otherwise in not more than 40 years.

Education Code 45.155

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

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This introductory page outlines the contents of the ad valorem taxes policy. See the following sections for statutory provisions on:

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SECTION I: MAINTENANCE TAXES

The Board may levy, assess, and collect annual ad valorem taxes for the maintenance of the District's schools. *Education Code 45.002*

TAX RATE CAP

If authorized by a majority of qualified voters of the District voting at an election held for that purpose, the District may impose a maintenance tax rate at a rate not to exceed the rate stated in the proposition. For any year, the maintenance tax rate per \$100 of taxable value adopted by the District may not exceed the rate equal to the sum of \$0.17 and the product of the state compression percentage, as determined under Education Code 42.2516, multiplied by \$1.50.

A rate that exceeds this maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this subsection may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value in the District as permitted by special law may not levy a maintenance tax at a rate that exceeds the rate per \$100 of taxable value that is equal to the sum of \$0.17 and the product of the state compression percentage, as determined under Education Code 42.2516, multiplied by the rate of the maintenance tax levied by the District for the 2005 tax year.

Education Code 45.003(a), (d)–(f)

APPRAISAL ROLL

By August 1 or as soon thereafter as practicable, the District's tax assessor shall submit to the Board the District's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

Note: The Texas comptroller of public accounts annually publishes *Truth in Taxation: A Guide for Setting School District Tax Rates*. School districts should consult the *Truth in Taxation* guide, available in print form or through the comptroller's website at <http://www.window.state.tx.us/taxinfo/proptax/tnt/pdf/96-1212.pdf>, for detailed guidance on setting local property tax rates.

By August 1 or as soon thereafter as practicable, the District's tax collector shall certify to the Board the estimates and amounts required by law.

Tax Code 26.04(b)

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CERTIFIED ESTIMATE	By April 30, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. <i>Tax Code 26.01(e)</i>
DISASTER AREA	If the District is located partly or entirely inside an area declared by the governor to be a disaster area, the Board may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. <i>Tax Code 23.02(a)</i>
MEETING ON BUDGET AND PROPOSED TAX RATE	The Board shall call a public meeting to discuss and adopt its budget and proposed tax rate. The Board must provide notice of the budget and proposed tax rate meeting, as described below. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. [See CE]
PUBLISHED NOTICE	The Board President shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.
FORM OF NOTICE	The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law. The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.
TAXPAYER INJUNCTION	If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.
DISTRICTS WITH JULY 1 FISCAL YEAR	A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of District property in preparing the published notice if the District does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the District may not adopt a tax rate before the District receives the certified appraisal roll for the District.

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After receipt of the certified appraisal roll, the District must publish a revised notice and hold another public meeting before the District may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The District's rollback rate determined under Tax Code 26.08 using the certified appraisal roll.

DECREASE IN DEBT
SERVICE RATE

If the debt service rate calculated under Education Code 44.004(c)(5)(A)(ii)(b) decreases after the publication of the notice required by this section, the Board President is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate.

Education Code 44.004

TAX RATE

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

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

EXCEPTION

The District may adopt a budget after the District adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the District elects to adopt a tax rate before receiving the certified appraisal roll for the District. The Board may adopt a tax rate for the current tax year before receipt of the certified appraisal roll if the chief appraiser of the appraisal district in which the District participates has, by April 30, certified to the assessor for the District an estimate of the taxable value of property in the District as provided by Education Code 26.01(e). If the District adopts a tax rate before the adoption of the budget, the effective tax rate and the rollback tax rate of the District shall be calculated based on the certified estimate of taxable value. *Education Code 44.004(j); Tax Code 26.01(e), .05(g)*

EFFECTIVE TAX RATE

The vote on the ordinance setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance

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setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate."

MAINTENANCE AND
OPERATIONS TAX
RATE

If the ordinance sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the Board must include in the ordinance in type larger than the type used in any other portion of the document the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

INTERNET POSTING

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

Tax Code 26.05(b)

SECTION II: ELECTION TO RATIFY TAXES

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

Tax Code 26.08(a)

The Board shall order that the election be held in the District on a date not less than 30 or more than 90 days after the date on which it adopted the tax rate. The election need not be held on a uniform

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	<p>election date unless a uniform election date falls within the 30–90 day time period. <i>Tax Code 26.08(b)</i></p>
PROPOSITION	<p>In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. <i>Education Code 52.072(e)</i></p>
APPROVAL OF PROPOSITION	<p>If a majority of votes cast in the District favor the proposition, the tax rate for the current year is the rate that was adopted by the Board. If the proposition is not approved, the Board may not adopt a tax rate for the current year that exceeds the District's rollback tax rate. <i>Tax Code 26.08(c)–(d)</i></p>
CALL FOR ELECTION	<p>A call for an election shall be made not later than the 62nd day before election day.</p>
EXCEPTIONS	<p>For an election to be held on the date of the general election for state and county officers, the November uniform election date of even-numbered years, the election shall be called not later than the 78th day before the election day.</p> <p>For an election to be held on a uniform election date other than the date of the general election for state and county officers, the election shall be called not later than the 71st day before election day.</p> <p>An election under Tax Code 26.08 to ratify a tax rate adopted by the Board under Tax Code 26.05(g) shall be ordered not later than the 30th day before election day.</p> <p><i>Election Code 3.003, .005, 41.002 [See BBB]</i></p>
NOTICE TO COUNTY CLERK	<p>The Board shall deliver notice of the election to the county clerk of each county in which the District is located not later than the 60th day before election day.</p>
EXCEPTION	<p>If the Board orders an election under Tax Code 26.08 to ratify a tax rate adopted by the Board under Tax Code 26.05(g), the Board shall deliver notice of the election to the county clerk of each county in which the District is located not later than the 30th day before election day.</p> <p><i>Election Code 4.008</i></p>
TAX INFORMATION TO COUNTY	<p>The District shall provide to the county assessor-collector for each county in which all or part of District territory is located the District's adopted tax rate, maintenance and operations rate, debt rate, effective tax rate, effective maintenance and operations rate, and rollback tax rate for posting on the county's Internet website. The</p>

District shall provide the information annually following the adoption of a tax rate by the District for the current tax year. *Tax Code 26.16(a)–(b)*

SECTION III: PAYMENT OPTIONS

DISCOUNTS

The Board may adopt one or both of the following discount options for early payment of District taxes. *Tax Code 31.05(a)*

OPTION 1

If the Board adopts Option 1, the following apply regardless of the date on which the District mails its tax bills.

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05(b)

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

OPTION 2

If the Board adopts Option 2, the following discounts apply only when the District mails its tax bills after September 30:

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

Tax Code 31.05(c)

BOTH OPTIONS

If the Board adopts both discount options, the discounts described at Option 1 apply unless the District mails its tax bills after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

RESCISSION

The Board may rescind a discount lawfully adopted by the Board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

SPLIT PAYMENTS

The Board may provide for split payment of taxes. If a person pays one-half of the taxes before December 1, he or she may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year. This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.03, .04(c)*

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PERFORMING
SERVICES IN LIEU OF
PAYING TAXES

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

PERSONS 65 AND
OVER

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

Tax Code 31.035

TEACHING
SERVICES BY
INDIVIDUAL

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

TEACHING
SERVICES BY
EMPLOYEE OF
BUSINESS ENTITY

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

INSTALLMENT
PAYMENTS
CERTAIN
HOMESTEADS

An individual who qualifies for a homestead exemption under Tax Code 11.13(c), .132, or .22 may pay taxes on the residence homestead property in installments without penalty or interest. To do so, the individual must pay in four equal installments, with the first installment paid before the delinquency date. This payment must be accompanied by notice that the individual will pay the remaining taxes in three equal installments. The second installment must be paid before April 1, the third before June 1, and the fourth before August 1. An individual may also pay the taxes in four equal installments if the first installment is paid and the required notice is provided before March 1. If the individual fails to make a payment, including the first payment, before the applicable date, the unpaid amount is delinquent and incurs a penalty and interest as provided by law. *Tax Code 31.031*

DISASTER AREA

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

1. Real property that:

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

If the owner of such property pays at least one-fourth of the taxes imposed on the property before the delinquency date, accompanied by notice that the person will pay the remaining taxes in installments, the owner may make the remainder of the payments in three equal installments. Such installment payments shall not incur penalty or interest if paid by the applicable dates provided for in Tax Code 31.032.

Tax Code 31.032(a)-(b)

PARTIAL PAYMENTS

The tax collector may decide to accept partial payments of District property taxes. Acceptance of a partial payment does not affect the delinquency date, but penalties and interest are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. The discounts described above do not apply to any portion of a partial payment of District taxes. *Tax Code 31.07(c)*

SECTION IV: DELINQUENT TAXES

DELINQUENCY DATE

Taxes are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:

1. The District has provided for split payments. *Tax Code 31.03*
2. The District's tax bills are mailed after January 10. *Tax Code 31.04(a)*

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3. The District's tax bills are mailed after September 30 and the Board has adopted discounts provided by Tax Code 31.05(c).
Tax Code 31.04(d)

Tax Code 31.02

DELINQUENT TAX
COLLECTION

The Board may contract with any competent attorney to represent the District to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)*

ADDITIONAL
PENALTIES

If the District or the tax collector for the District has contracted with a private attorney for the collection of delinquent taxes, the Board may impose, by official action, an additional penalty on taxes that become delinquent on or after February 1 but not later than May 1 and remain delinquent on July 1 of the year in which they become delinquent. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall deliver notice to the property owner of the delinquency and the penalty 30 to 60 days before July 1. *Tax Code 33.07*

If the District or the tax collector for the District has imposed the penalty described above and has contracted with a private attorney for collection of delinquent taxes, the Board may impose, by official action, an additional penalty on all taxes that become delinquent on or after June 1 under Tax Code 26.15(e), 31.03, .031, .032, .04, or 42.42. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall send notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent. *Tax Code 33.08*

SECTION V: EXEMPTIONS

HOMESTEAD
EXEMPTIONS

An adult is entitled to exemption from taxation of \$15,000 of the appraised value of his or her residence homestead. To receive the residence homestead exemption, the person claiming the exemption must apply for the exemption. *Tax Code 11.13(b), .43*

PERSONS 65 OR
OLDER OR
DISABLED
PERSONS

An adult who is disabled or 65 or older is entitled to an additional \$10,000 exemption of the appraised value of his or her residence homestead. *Tax Code 11.13(c)*

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TAX CEILING	The District shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Tax Code 11.13, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. <i>Tax Code 11.26(a)</i>
IMPROVEMENTS	The District may increase the taxes if improvements are made to the property, but that tax amount is then frozen. <i>Tax Code 11.26(b)</i>
PORTABILITY OF TAX CEILING	If an individual subject to a limitation on tax increases subsequently qualifies a different residence for the residence homestead exemption, the tax limitation on the new residence is calculated to give the individual the same percentage of tax paid as the limitation on the former home in accordance with Tax Code 11.26(g). <i>Tax Code 11.26(g)</i>
SURVIVING SPOUSE OF PERSONS 65 OR OLDER	If an individual who qualifies for the exemption for an individual 65 years of age or older dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. <i>Tax Code 11.26(i)</i>
HOMESTEADS RENDERED UNINHABITABLE OR UNUSABLE	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)–(o) and 34 Administrative Code 9.416. <i>Tax Code 11.135, .26(n)–(o); 34 TAC 9.416</i>
VETERAN EXEMPTIONS 100 PERCENT DISABLED	A disabled veteran who receives from the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. A person who qualifies for an exemption after January 1 of a tax year may receive the exemption for the applicable portion of that tax year immediately on qualification for the exemption. <i>Tax Code 11.131, .42(e)</i>

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PARTIALLY
DISABLED WITH
DONATED
RESIDENCE

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran. An exemption is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year. *Tax Code 11.132, .42(c)*

EXEMPTION FOR
SURVIVING SPOUSE

The surviving spouse of a disabled veteran who qualified for an exemption when the veteran died is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied if:

1. The surviving spouse has not remarried since the death of the disabled veteran; and
2. The property:
 - a. Was the residence homestead of the surviving spouse when the disabled veteran died; and
 - b. Remains the residence homestead of the surviving spouse.

If a surviving spouse who qualifies for an exemption subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is entitled to an exemption from taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption of the former homestead in the last year in which the surviving spouse received an exemption for that homestead if the surviving spouse has not remarried since the death of the disabled veteran.

Tax Code 11.131(c)-(d), .132(c)-(d)

SURVIVING SPOUSE
OF INDIVIDUAL
KILLED IN ACTION

The surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. An exemption is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year. *Tax Code 11.132, .42(c)*

A surviving spouse who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the

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dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.132*

DISABLED
VETERAN

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22. This exemption can be, but is not required to be, applied to a residence homestead. *Tax Code 11.22*

OPTIONAL
EXEMPTIONS

The Board may grant additional tax exemptions for transitional housing, homesteads, historic sites, community land trusts, certain water conservation initiatives, certain tax-exempt corporations, and charitable organizations, as provided by law. If the District adopts, amends, or repeals an exemption that the District by law has the option to adopt or not, the District shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08, 11.111, .13, .1827, .184, .24, .32; Tex. Const. Art. VIII, Sec. 1-b*

GOODS-IN-TRANSIT

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

In accordance with Tax Code 11.253, the Board may provide for the taxation of goods-in-transit that are otherwise exempt from taxation. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the Board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). The goods-in-transit remain subject to taxation by the District until the Board rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to the District.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, the District may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the Board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

EXCEPTION

If the Board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the District, the District tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition

would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(b), (j)–(j-2)

SECTION VI: ECONOMIC DEVELOPMENT

TAX INCREMENT
FINANCING ACT

The governing body of a municipality or county may designate a geographic area as a reinvestment zone to promote development or redevelopment of the area if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, in accordance with the Tax Increment Financing Act, Tax Code Chapter 311. *Tax Code 311.003(a)*

BOARD OF
DIRECTORS

The Board may appoint one member of the reinvestment zone's board of directors if the District has approved the payment of all or part of the tax increment produced by the District into the tax increment fund for the zone or may waive that right. *Tax Code 311.009(a)*

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

When the reinvestment zone has been designated upon petition of property owners under Tax Code 311.005(a)(4), the Board may appoint a member or members, as appropriate, of the reinvestment zone's board of directors only if it has approved the payment of all or part of the tax increment produced by the District into the tax increment fund for the zone. *Tax Code 311.009(b), .0091(c)*

COLLECTION AND
DEPOSIT OF TAX
INCREMENTS

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

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

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

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the District because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the Board by official action approves the amendment. *Tax Code 311.011(g)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, the amount by which the amount of taxes the District would have been required to pay into the fund in the current year if the District levied taxes at the rate the District levied in 2005 exceeds the amount the District is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the District receives in state aid for the current tax year under Education Code 42.2514. The District shall pay the additional amount after the District receives the state aid to which the District is entitled for the current tax year under Education Code 42.2514. *Tax Code 311.013(n)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the Board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

If the governing body of the municipality or county that designated a reinvestment zone extends the term of all or a portion of the zone, the District is not required to participate in the zone or portion of the zone for the extended term unless the District enters into a written agreement to do so. *Tax Code 311.007(c)*

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

PROPERTY
REDEVELOPMENT
AND TAX ABATEMENT
ACT

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

DISTRICT
DESIGNATED

Notwithstanding any other provision of Tax Code Chapter 312 to the contrary, the Board, in the manner required for official action and for purposes of Tax Code Chapter 313, Subchapter B or C [see TEXAS ECONOMIC DEVELOPMENT ACT, below], may designate an area entirely within the territory of the District as a reinvestment zone if the Board finds that, as a result of the designation and the granting of a limitation on appraised value, for property located in the reinvestment zone, the designation is reasonably likely to:

1. Contribute to the expansion of primary employment in the reinvestment zone; or
2. Attract major investment in the reinvestment zone that would:
 - a. Be a benefit to property in the reinvestment zone and to the District; and
 - b. Contribute to the economic development of the region of this state in which the District is located.

The Board may seek the recommendation of the commissioners court of each county and the governing body of each municipality that has territory in the District before designating an area as a reinvestment zone.

Tax Code 312.0025

TEXAS ECONOMIC
DEVELOPMENT ACT

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

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

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas.

Tax Code 313.004(3)

Note: For complete information regarding the Texas Economic Development Act, refer to Tax Code Chapter 313 and 34 Administrative Code Chapter 9, Subchapter F.

West Orange-Cove CISD
181906

ACCOUNTING
INVENTORIES

CFB
(LEGAL)

In order to provide accurate information for the annual audit of the District's fiscal accounts, the District shall maintain inventories of its assets as recommended and directed by the *TEA Financial Accountability System Resource Guide. 19 TAC 109.1(a), .41*

BONDED EMPLOYEES AND OFFICERS

CG
(LEGAL)

The District requires its employees and officers to post bond as follows:

SECURITY
PERSONNEL

1. Campus security personnel authorized by the Board to carry arms must first be commissioned as peace officers, which requires the posting of a \$1,000 bond, payable to the Board, with two or more sufficient sureties, and conditioned by the faithful and impartial discharge of all legal duties. *Education Code 37.081(h)*

TAX COLLECTOR

2. The tax collector for the District shall be bonded in accordance with law. *Tax Code 6.29*

MILITARY
INSTRUCTION

3. The District shall, when necessary, make contracts with the proper governmental agency to teach courses in military training, execute a bond to secure contracts with governmental agencies to procure arms, supplies, or other needed property when military instruction is offered in the District pursuant to a state or federal law requiring the Board to give bond or otherwise indemnify the state, the United States, or any other governmental agency for the care and return of property furnished. Available school funds shall be used to procure such bonds in the amount and under conditions required by the governmental agency. *Education Code 29.901*

SAFETY PROGRAM/RISK MANAGEMENT

CK
(LOCAL)

COMPREHENSIVE
SAFETY PROGRAMS

The Superintendent or designee shall be responsible for developing, implementing, and promoting comprehensive safety programs designed to address the safety of students, employees, visitors, and all others with whom the District conducts its business.

FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

COB
(LEGAL)

BREAKFAST
PROGRAM

If at least ten percent of the students enrolled in one or more schools in the District are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Board shall participate in the program and extend its benefits to all eligible students in said school or schools.

A campus participating in the national school breakfast program in which 80 percent or more of the students qualify for a free or reduced-price breakfast shall offer a free breakfast to every student.

WAIVER

The Commissioner shall grant a waiver of this requirement, not to exceed one year, to a campus if the Board votes to request the waiver at the Board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the Board must list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

Education Code 33.901

SUMMER LUNCH
PROGRAM

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Chapter 13 shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

NOTICE FROM TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

NOTICE OF
PROVISION OF
PROGRAM

Unless a district decides to pursue a waiver, each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer. *Agriculture Code 12.0029(e)*

WAIVER

If the District intends to request a waiver, the Board must, not later than November 30 of each year, send written notice of the District's

FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

COB
(LEGAL)

intention to the District's local school health advisory council. The notice must include an explanation of the District's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

The District shall, not later than January 31 of the year following the year in which the notice was received, request in writing that TDA grant the District a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program. *Agriculture Code 12.0029(e)*

TDA may grant the District a waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The District has worked with the TDA field offices to identify another possible provider for the program in the District and the District provides documentation, verified by TDA, showing that:
 - a. There are fewer than 100 children in the District currently eligible for the national free or reduced-price lunch program;
 - b. Transportation to enable District students to participate in the program is an insurmountable obstacle to the District's ability to provide or arrange for the provision of the program despite consultation by the District with public transit providers;
 - c. The District is unable to provide or arrange for the provision of a program due to renovation or construction of District facilities and the unavailability of an appropriate alternate provider or site; or
 - d. The District is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or
2. The cost to the District to provide or arrange for provision of a program would be cost-prohibitive, as determined by the department using the criteria and methodology established by TDA.

Agriculture Code 12.0029(f)

ALTERNATE
PROVIDER

If the District has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an alternate provider for the District's summer nutrition program. *Agriculture Code 12.0029(i)*

INSURANCE AND ANNUITIES MANAGEMENT
UNEMPLOYMENT INSURANCE

CRF
(LEGAL)

The District shall comply with the provisions of the Texas Unemployment Compensation Act. *Labor Code 201.026*

REASONABLE
ASSURANCE

Employees shall be ineligible to receive benefits if:

1. They perform instructional, research, or principal administrative services and have a contract or reasonable assurance of performing such services for any educational institution during the next academic year or term.
2. They perform other services for the District and have reasonable assurance of performing such services during the next academic year or term.
3. They perform services described above immediately before a vacation period or holiday recess and have reasonable assurance of performing such services during the period following such vacation or holiday recess.

Labor Code 207.041

OPTIONS

The District shall contribute to the Unemployment Compensation Fund by choosing one of the following options:

1. Paying a state unemployment compensation tax administered by the Texas Workforce Commission (TWC). *Labor Code 204.101*
2. Reimbursing the state fund for the amount of any benefits paid to ex-employees of the District. *Labor Code 205.001*
3. Entering a joint group account with other reimbursing political subdivisions to share the cost of benefits that are attributable to service in the employ of the group account members. *Labor Code 205.021*

INITIAL CLAIM AND
RESPONSE

After receiving a notice of the filing of an initial claim for unemployment benefits, the District shall notify the TWC promptly of any facts known to the District that may adversely affect the claimant's right to benefits or affect a charge to the District's account.

The District's notification must include sufficient factual information to allow the TWC to make a determination regarding the claimant's entitlement to benefits.

If the District does not mail or otherwise deliver the notification within 14 days after the date notice of the claim was mailed, the District waives all rights in connection with the claim, including rights the District may have under Government Code Chapter 204, Subchapter B, other than rights relating to a clerical or machine

error as to the amount of the person's chargeback or maximum potential chargeback in connection with the claim for benefits.

Gov't Code 208.004(a)-(b)

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

DEFERRED
COMPENSATION –
SECTION 457

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

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

Gov't Code Ch. 609

The District may contract with an employee for the deferment of any part of the employee's compensation.

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

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

ROTH
CONTRIBUTION
PROGRAMS

The District may, if authorized by federal law, establish a program in accordance with the applicable federal law under which an employee may designate all or a portion of the employee's contribution under a 457 plan as a Roth contribution at the time the contribution is made or convert all or a portion of the employee's previous contribution under the plan to a Roth contribution. *Gov't Code 609.1025*

ANNUITIES – SECTION
403(b)

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

DEFINITIONS

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

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

34 TAC 53.1(8)

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

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

“Qualified investment product” means an annuity or investment that:

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

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

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

EMPLOYEE
DESIGNATION

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

PAYROLL
DEDUCTION

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

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

PROHIBITIONS ON
DISTRICT

The District may not:

1. Refuse to enter into a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction is an eligible qualified investment and is registered with TRS under V.A.T.S. Article 6228-5, Section 8A, except as provided by item 8 below and unless:
 - a. The eligible qualified investment product that is the subject of the salary reduction agreement is offered by a company that does not comply with the District’s administrative requirements;
 - b. The District imposes the administrative requirements uniformly on all companies that offer eligible qualified investment products; and

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

- c. The administrative requirements are necessary to comply with employer responsibilities imposed by:
 - (1) Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
 - (2) Any other provision of the Internal Revenue Code of 1986 that applies to Section 403(b);
 - (3) Any regulation adopted in relation to a law described by subsection (1) or (2) that is effective after December 31, 2007; or
 - (4) Any change to V.A.T.S. Article 6228-5 that becomes effective after January 1, 2007;
2. Require or coerce an employee's attendance at any meeting at which qualified investment products are marketed;
3. Limit the ability of an employee to initiate, change, or terminate a qualified investment product at any time the employee chooses;
4. Grant exclusive access to an employee by discriminating against or imposing barriers to any agent, broker, or company that provides qualified investment products;
5. Grant exclusive access to information about an employee's financial information, including information about an employee's qualified investment products, to a company or agent or affiliate of a company offering qualified investment products unless the employee consents in writing to the access;
6. Accept any benefit from a company or from an agent or affiliate of a company that offers qualified investment products;
7. Use public funds to recommend a qualified investment product offered by a company or an agent or affiliate of a company that offers a qualified investment product; or
8. Enter into or continue a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction agreement is not an eligible qualified investment, including the investment product of a company whose certification has been denied, suspended, or revoked without first providing the employee with notice in writing that:
 - a. Indicates the reason the subject of the salary reduction agreement is no longer an eligible qualified investment or why certification has been denied, suspended, or revoked; and

- b. Clearly states that by signing the notice the employee is agreeing to enter into or continue the salary reduction agreement.

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

RESTRICTION ON
PUBLIC SERVANTS —
PENAL CODE

“Public servant,” for purposes of the following Penal Code provisions, includes a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of government, even if the person has not yet qualified for office or assumed his or her duties. *Penal Code 1.07(a)(41)(A), (E)*

BRIBERY

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

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

Penal Code 36.01(3), 36.02

ILLEGAL GIFTS

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

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(i)*

EXCEPTIONS

“Illegal Gifts to Public Servants” does not apply to:

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

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

Penal Code 36.10

HONORARIA AND
EXPENSES

- 3. A public servant commits a Class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services,

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory.
Penal Code 36.07

ABUSE OF PUBLIC
EMPLOYMENT

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

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

"Misuse" means to deal with property contrary to:

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

Penal Code 39.01(2)

INSTRUCTIONAL
MATERIALS
VIOLATIONS —
COMMISSIONS

An administrator or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated. *Education Code 31.152(a)*

INSTRUCTIONAL
MATERIALS
VIOLATIONS —
CONFLICT

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

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

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

Education Code 31.152(b)–(d)

INSTRUCTIONAL
MATERIALS
VIOLATIONS —
PURCHASE AND
DISTRIBUTION

A person commits a Class C misdemeanor offense if the person knowingly violates any law providing for the purchase or distribution of free instructional materials for the public schools. *Education Code 31.153*

HOLDING CIVIL
OFFICE

No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. *Tex. Const., Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 291 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993)*

A position in or membership in the Texas military forces is not considered to be a civil office of emolument. *Gov't Code 437.203*

Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of school districts (other than those in which they are employed), cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodies. *Tex. Const., Art. XVI, Sec. 40(b); Atty. Gen. Op. DM-55 (1991)*

CONFLICT
DISCLOSURE
STATEMENT

The District may extend the requirements of Local Government Code 176.003 and 176.004 [see BBFA] to any employee of the District who has the authority to approve contracts on behalf of the District, including a person designated as the representative of the District for purposes of Local Government Code Chapter 271. The District shall identify each employee made subject to Sections 176.003 and 176.004 and shall provide a list of the identified employees on request to any person. The District may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with such requirements.

An employee commits a Class C misdemeanor if the employee knowingly violates the requirements. It is an exception to the application of the above penalty, however, that the employee filed the disclosure statement not later than the seventh business day after the person received notice from the District of the alleged violation.

Local Gov't Code 176.005

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

DEFINITION OF
"CONTRACT"

"Contract" means a written agreement for the sale or purchase of real property, goods, or services. *Local Gov't Code 176.001(1-d)*

PERSONAL SERVICES
PERFORMED BY
SUPERINTENDENT

The Superintendent may not receive any financial benefit for personal services performed by the Superintendent for any business entity that conducts or solicits business with the District. Any financial benefit received by the Superintendent for performing personal services for any other entity, including a school district, open-enrollment charter school, regional education service center, or public or private institution of higher education, must be approved by the Board on a case-by-case basis in an open meeting. The receipt of reimbursement for a reasonable expense is not considered a financial benefit. *Education Code 11.201(e)*

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

COMPENSATION AND BENEFITS
INCENTIVES AND STIPENDS

DEAA
(LEGAL)

INCENTIVE GRANTS—
CONTRACT
PROVISION

The District shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the District participates in the program. The District shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

EDUCATOR
EXCELLENCE
INNOVATION
PROGRAM

The Educator Excellence Innovation Program (EEIP) is a grant program under which the District may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. TEA will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

ELIGIBILITY

The District is eligible to apply for EEIP grant funds if the District:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the Commissioner;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the Commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the Commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The Commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

LOCAL PLAN

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

The District must act pursuant to its local Board policy [see DEAA(LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and submit a plan and grant application may not be appealed to the Commissioner.

COMPENSATION AND BENEFITS
INCENTIVES AND STIPENDS

DEAA
(LEGAL)

The District may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, the District may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the District receives a program grant.

USE OF GRANT
FUNDS

The District may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the District's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see MENTOR TEACHERS, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
 - a. The results of classroom observation, which may include student comments;
 - b. The degree of student educational growth and learning; and
 - c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

WAIVER REQUEST

The District may apply to the Commissioner in writing for a waiver to exempt the District or one or more District campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;
2. Approval for the waiver by a vote of a majority of the members of the Board;

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DEAA
(LEGAL)

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the Board nor the Superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the Commissioner shall notify the District in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the District's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

MENTOR TEACHERS

The District may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by Commissioner's rules.

The Commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the Commissioner;
2. Complete a training program provided by the District; and
3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance.

The District may apply to the Commissioner for funds for a mentor teacher program. The District may use the funds only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and

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3. Mentoring support through providers of mentor training.

Education Code 21.458; 19 TAC 153.1011

MASTER TEACHER
GRANT PROGRAMS

The Commissioner shall establish master reading, mathematics, technology, and science teacher grant programs to encourage teachers to become certified as master teachers and to work with other teachers and students to improve student performance. *Education Code 21.410-.413*

APPLICATION

The District may apply to the Commissioner for grants for each identified high-need campus to be used to pay year-end stipends to certified master teachers.

USE OF FUNDS

Grant funds may be used only for the purpose of paying a year-end stipend to a master teacher whose primary duties are to teach reading, mathematics, technology, or science and to serve as a reading, mathematics, technology, or science teacher mentor for the amount of time and in the manner established by the District.

PAYMENTS

The Commissioner shall reduce payments to the District proportionately to the extent a teacher does not meet the requirements for a master teacher for the entire school year.

If a teacher qualifies as a master teacher for a partial month, the District's written policy will determine how the District counts the partial month, for example, as no month served or as an entire month served. Only whole months shall be entered on the application by the District on the teacher's behalf.

Education Code sections 21.410-.413 do not create a property right to a grant or stipend. A master teacher stipend is not considered in determining whether the District is paying the teacher the minimum monthly salary under Education Code 21.402.

DESIGNATION OF
TEACHER

A district that employs more certified master teachers than the number of grants available shall designate which certified master teacher(s) to assign the duties required to receive the state stipends. The designation is based on a written policy adopted by the Board. The District's decision is final and may not be appealed.

The District may not apportion among teachers a stipend paid with a grant the District receives under this program. The District may use local money to pay additional stipends in amounts determined by the District.

Education Code 21.410-.413; 19 TAC Ch. 102, Subch. BB

COMPENSATION AND BENEFITS
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RETIREMENT
INCENTIVES

The District may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

ATTENDANCE
SUPPLEMENT

The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

ASSIGNMENT AND SCHEDULES

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ASSIGNMENT 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 rules of the State Board for Educator Certification (SBEC) at 19 Administrative Code Chapter 231. *19 TAC 231.1* [See DBA]

EMERGENCY PERMITS A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment.

The Superintendent or designee must:

1. Document the efforts the District has taken to employ a fully certified individual in the position for which an emergency permit is activated;
2. Apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to TEA within 45 instructional days of the date of assignment;
3. Verify that the District maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. However, the District shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years' experience within the District, as defined at 19 Administrative Code Chapter 153, Subchapter CC; and
4. Verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in 19 Administrative Code Chapter 230, Subchapter F.

19 TAC 230.71(b)

For all assignments except career and technical education assignments based on skill and experience, the Superintendent, designee, or authorized representative must verify the individual's eligibility for the emergency permit and submit online to TEA, within 45 instructional days of assignment, the information listed at 19 Administrative Code 230.79. *19 TAC 230.79*

An emergency permit is authorized for the District for a specific assignment and is not the property of the individual for whom the

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emergency permit was activated. If an emergency permit authorized by SBEC is not used, the District shall notify TEA staff by email. *19 TAC 230.71(d)–(e)*

TEMPORARY
VACANCIES

The District is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the parent notification requirements below. *19 TAC 230.71(g)*

EDUCATOR
CONSENT

A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair the District's right to implement a necessary reduction in force or other personnel actions in accordance with local policy.

19 TAC 230.71(c)

ELIGIBILITY
REQUIREMENTS

An individual for whom an emergency permit is activated must meet the general eligibility criteria listed at 19 Administrative Code 230.75 and the specific eligibility requirements for the assignment listed at 19 Administrative Code 230.77. *19 TAC 230.75, .77*

HARDSHIP
EXCEPTION

An emergency permit may be authorized on a hardship basis for an individual who does not meet all eligibility requirements only if approval has been granted and e-mail notification received from TEA staff. The District must:

1. Document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;
2. Verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and
3. Verify:
 - a. That the individual will be enrolled in the first available course listed on the deficiency plan; or
 - b. Registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree from an accredited institution of higher education

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and is placed in an assignment requiring a different classroom teaching certificate.

19 TAC 230.71(f)

VALIDITY OF
EMERGENCY
PERMIT

An emergency permit is valid for the remainder of the school year for which it is activated. The emergency permit must be submitted to TEA within 45 instructional days from the date of assignment. The permit is valid for service only in the requesting district and only for the assignments indicated on the emergency permit application.

The employment of an individual on an emergency permit may not exceed three school years in the same assignment. The individual may serve in a specific assignment no more than two additional school years beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in 19 Administrative Code 230.81.

To continue employment in the assignment beyond the validity of the emergency permit, the individual must hold the appropriate certificate. An individual may not serve as a classroom teacher of record in the District for more than three school years without obtaining initial, standard certification.

19 TAC 230.73

RENEWAL OF
PERMIT

The Superintendent, designee, or authorized representative may renew an emergency permit for the same assignment in the same district for which the initial emergency permit was activated. Renewal procedures are set forth at 19 Administrative Code 230.81(5).

No individual may continue in the same assignment for more than three school years of service on an emergency permit, except that emergency permits used fewer than 90 calendar days may be renewed for one additional year of service. The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible. The schedule for determining eligibility for emergency permit renewal is set forth at 19 Administrative Code 230.81(3).

19 TAC 230.81

NONRENEWABLE
PERMITS

The Superintendent or designee may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in 19 Administrative Code 230.21 (Educator Assessment). A nonrenewable permit may not be acti-

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(LEGAL)

vated for an individual in the same assignment area for which another permit had previously been authorized.

A nonrenewable permit may be activated for an individual in one or more of the categories listed at 19 Administrative Code 230.83(b).

The Superintendent, designee, or authorized representative must verify that an individual is eligible for the permit and submit the following information within 60 calendar days of assignment:

1. An application for a nonrenewable permit completed before the effective date of the assignment; and
2. The appropriate fee (payable by the District).

19 TAC 230.83

PRINCIPAL'S
APPROVAL

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District, based on criteria developed by the principal after informal consultation with the faculty. The Superintendent or designee has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

TRANSFERS

The District's employment policy may include a provision for providing each current District employee with an opportunity to participate in a process for transferring to another school in or position with the District. *Education Code 11.1513(c)(3)*

Note: In accordance with Education Code 21.057, the following notice requirements do not apply if a school is required by the No Child Left Behind Act of 2001 to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school gives notice as required by that Act. [See DBA]

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is

ASSIGNMENT AND SCHEDULES

DK
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not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY
CERTIFIED OR
UNCERTIFIED
TEACHER

An “inappropriately certified or uncertified teacher” includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by SBEC rules specifying the certificate required for an assignment;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the Commissioner.

Education Code 21.057; 19 TAC 231.1

PERSONNEL POSITIONS
SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

DPB
(LEGAL)

UNCERTIFIED
SUBSTITUTES

State Board for Educator Certification requirements regarding assignment of certified employees apply to substitute teachers. If the District must employ a substitute teacher who is not certified, a list of the substitute teachers shall be retained in the District files. 19 TAC 231.1(e)

Note: In accordance with Education Code 21.057, the following notice requirements do not apply if a school is required by the No Child Left Behind Act of 2001 to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school gives notice as required by that Act. [See DBA]

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA(LEGAL)]

Education Code 21.057

CRIMINAL HISTORY
REVIEW

The District shall obtain all criminal history record information that relates to a substitute teacher for the District or shared services arrangement through the Department of Public Safety's criminal history clearinghouse. [See DBAA] *Education Code 22.0836*

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.
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; and
- n. Scientific Research and Design.

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.

Education Code 28.0021

- 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 — at least four of the following:
 - a. Computer Science I;
 - b. Computer Science II;
 - c. Computer Science III;
 - d. Digital Art and Animation;
 - e. Digital Communications in the 21st Century;
 - f. Digital Design and Media Production;
 - g. Digital Forensics;
 - h. Digital Video and Audio Design;

- i. Discrete Mathematics;
 - j. Fundamentals of Computer Science;
 - k. Game Programming and Design;
 - l. Independent Study in Evolving/Emerging Technologies;
 - m. Independent Study in Technology Applications;
 - n. Mobile Application Development;
 - o. Robotics Programming and Design;
 - p. 3-D Modeling and Animation;
 - q. Web Communications;
 - r. Web Design; and
 - s. 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

The District shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR) consistent with SBOE rules. The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation. A school administrator may waive this requirement for an eligible student who has a disability.

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.

Education Code 28.0023 (c)–(e), (g)

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
OTHER INSTRUCTIONAL INITIATIVES

EHBK
(LEGAL)

MANDATORY RECOGNITION DATES	The District shall regularly observe the following recognition days, weeks, and months by appropriate programs, celebrations, and activities:
WOMEN'S INDEPENDENCE DAY	August 26: Women's Independence Day, to commemorate the ratification in 1920 of the Nineteenth Amendment to the United States Constitution, which guaranteed women the right to vote. Women's Independence Day shall be regularly observed by appropriate programs in the public schools to inspire a greater appreciation of the importance of women's suffrage. <i>Gov't Code 662.051</i>
TEXAS FIRST RESPONDERS DAY	September 11: Texas First Responders Day, in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies. Texas First Responders Day shall be regularly observed by appropriate ceremonies in the public schools to honor Texas first responders. The District may determine the appropriate ceremonies by which Texas observes Texas First Responders Day. <i>Gov't Code 662.050</i>
SEPTEMBER 11	September 11: To commemorate the events of September 11, 2001, in each year that date falls on a regular school day, each public elementary and secondary school shall provide for the observance of one minute of silence at the beginning of the first class period of that day. Immediately before the required period of observance, the class instructor shall make a statement of reference to the memory of individuals who died on September 11, 2001. The required period of observance may be held in conjunction with the minute of silence required by Education Code 25.082. [See EC] <i>Education Code 25.0821</i>
CONSTITUTION DAY	September 17: A district that receives federal funds for a fiscal year shall hold an educational program on the United States Constitution for the students served by the District. <i>Pub. L. 108-447 (2004)</i>
CELEBRATE FREEDOM WEEK	Week of September 17: Celebrate Freedom Week, to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded. <i>Education Code 29.907</i>
APPROPRIATE INSTRUCTION	Each social studies class shall include, during Celebrate Freedom Week or during another full school week as determined by the Board, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical context. The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to

subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

19 TAC 74.33(a)

RECITATION

The District shall require that, during Celebrate Freedom Week or other prescribed week of instruction, students in grades 3–12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their Just Powers from the Consent of the Governed."

EXCEPTION

The District shall excuse from recitation a student:

1. Whose parent or guardian submits to the District a written request that the student be excused;
2. Who, as determined by the District, has a conscientious objection to the recitation; or
3. Who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

19 TAC 74.33(b), .36

AMERICAN INDIAN
HERITAGE DAY

The last Friday in September is in recognition of the historic, cultural, and social contributions American Indian communities and leaders have made to Texas. American Indian Heritage Day shall be regularly observed by appropriate ceremonies, activities, and programs in public schools to honor American Indians in Texas and to celebrate the rich traditional and contemporary American Indian culture. *Gov't Code 662.056*

HYDROCEPHALUS
AWARENESS
MONTH

October: Hydrocephalus Awareness Month, to:

1. Increase public awareness of hydrocephalus, a serious neurological condition characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain; and
2. Encourage the development of partnerships between the federal government, health care professionals, and patient advocacy groups to advance the public's understanding of the condition, improve the diagnosis and treatment of the condition, and support research for a cure.

SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES

EHBK
(LEGAL)

Hydrocephalus Awareness Month shall be regularly observed by appropriate activities in public schools to increase awareness of hydrocephalus.

Gov't Code 662.106

FATHER OF TEXAS DAY November 3: Father of Texas Day, in memory of Stephen F. Austin, the great pioneer patriot and the real and true Father of Texas. Father of Texas Day shall be regularly observed by appropriate and patriotic programs in the public schools to properly commemorate the birthday of Stephen F. Austin and to inspire a greater love for this beloved state. *Gov't Code 662.045*

SAM RAYBURN DAY January 6: Sam Rayburn Day, in memory of that great Texas and American statesman, Sam Rayburn. Sam Rayburn Day shall be regularly observed by appropriate programs in the public schools to commemorate the birthday of Sam Rayburn. *Gov't Code 662.041*

STATE OF TEXAS ANNIVERSARY REMEMBRANCE DAY February 19: State of Texas Anniversary Remembrance Day (STAR Day), in honor of Texas joining the Union and the day that James Pinckney Henderson became the first governor of the state of Texas in 1846. STAR Day shall be regularly observed by appropriate and patriotic programs in the public schools to properly commemorate the annexation of this state and to inspire a greater appreciation for the history of this state. *Gov't Code 662.047*

TEXAS HISTORY MONTH March: Texas History Month, in honor of those Texans who helped shape the history of the state of Texas and in recognition of events throughout Texas's history. Texas History Month shall be regularly observed by appropriate celebrations and activities in public schools to promote interest in and knowledge of Texas history. *Gov't Code 662.102*

PUBLIC SCHOOL PARAPROFESSIONAL DAY The second Wednesday in May: Public School Paraprofessional Day, in recognition of education paraprofessionals including teacher assistants, instructional aides, educational trainers, library attendants, bilingual assistants, special education associates, mentors, and tutors. Public School Paraprofessional Day shall be regularly observed by appropriate ceremonies and activities in the public schools to properly recognize the paraprofessionals who have made tremendous contributions to the educational process. *Gov't Code 662.049*

GENERATION TEXAS WEEK Each district offering middle school, junior high school, or high school grade levels shall designate one week during the school year as Generation Texas Week. During the designated week, each middle school, junior high school, and high school shall pro-

vide students with comprehensive grade-appropriate information about the pursuit of higher education, including:

1. Higher education options;
2. Standard admission requirements for institutions of higher education, including:
 - a. Overall high school grade point average;
 - b. Required curriculum;
 - c. College readiness standards and expectations as determined under Education Code 28.008; and
 - d. Scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;
3. Automatic admission of certain students to general academic teaching institutions under Education Code 51.803 [see EIC]; and
4. Financial aid availability and requirements, including the financial aid information provided by counselors under Education Code 33.007(b) [see EJ].

In addition, each middle school, junior high school, and high school shall provide to students at least one public speaker to promote the importance of higher education.

Education Code 29.911

OPTIONAL
RECOGNITION DATES

DR. HECTOR P.
GARCIA DAY

In addition, the District may observe the following recognition days, weeks, or months, by appropriate celebrations and activities:

Third Wednesday of September: Dr. Hector P. Garcia Day, in memory of the significant contributions to the Mexican American civil rights movement of Dr. Hector P. Garcia, a distinguished physician and a recipient of the Presidential Medal of Freedom and the founder of the American GI Forum, which promotes civil rights protection of Hispanic veterans and all Americans. Dr. Garcia, a World War II hero, was awarded a Bronze Star Medal with six battle stars in recognition of his meritorious service to the United States. Dr. Hector P. Garcia Day may be regularly observed by appropriate ceremonies and activities in the public schools to properly commemorate the importance of the contributions made by Dr. Garcia.
Gov't Code 662.055

SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES

EHBK
(LEGAL)

PERSONS WITH DISABILITIES HISTORY AND AWARENESS MONTH	October: Persons with Disabilities History and Awareness Month, to increase public awareness of the many achievements of people with disabilities; encourage public understanding of the disability rights movement; and reaffirm the local, state, and federal commitment to providing equality and inclusion for people with disabilities. The District may elect to observe Persons with Disabilities History and Awareness Month and determine the appropriate activities by which the school observes Persons with Disabilities History and Awareness Month. <i>Gov't Code 662.109</i>
TEXAS NATIVE PLANT WEEK	Third week in October: Texas Native Plant Week, to celebrate the native plants of Texas. Texas Native Plant Week may be regularly observed in public schools with programs to appreciate, explore, and study Texas native plants. <i>Gov't Code 662.154</i>
LUNG CANCER AWARENESS MONTH	November: Lung Cancer Awareness Month, to increase awareness of lung cancer and encourage funding of research and more effective treatments. Lung Cancer Awareness Month may be regularly observed by appropriate activities in public schools to increase the awareness of lung cancer and support for lung cancer research. <i>Gov't Code 662.104</i>
CHILD SAFETY MONTH	April: Child Safety Month, in recognition of the children of this state as this state's most precious resource. Child Safety Month is meant to ensure that the children of this state grow up in a safe and supportive environment by promoting their protection and care through increased public awareness of ways to reduce accidental injury and death through the use of bicycle helmets, seat belts, safety and booster seats, and smoke alarms, and the dangers presented to children by unattended and unlocked vehicles and by being left in closed vehicles during hot or sunny weather. Child Safety Month may be regularly observed by appropriate celebrations and activities in public schools to promote the protection and care of children in this state. <i>Gov't Code 662.105</i>
CHARACTER EDUCATION	<p>The District may provide a character education program, which must:</p> <ol style="list-style-type: none">1. Stress positive character traits, such as:<ol style="list-style-type: none">a. Courage;b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;c. Integrity;d. Respect and courtesy;

SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES

EHBK
(LEGAL)

- e. Responsibility, including accountability, diligence, perseverance, and self-control;
 - f. Fairness, including justice and freedom from prejudice;
 - g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
 - h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
 - i. School pride;
2. Use integrated teaching strategies; and
 3. Be age appropriate.

In developing or selecting a character education program under this section, the District shall consult with a committee selected by the District that consists of parents of District students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

STUDENT
ELECTIONS

An election for the participation of students in kindergarten through grade 12 may be held in conjunction with a general, special, or primary election. The student election may be ordered by:

1. The commissioners court, for a student election held in conjunction with an election ordered by the governor or a county authority;
2. The governing body of a political subdivision, for a student election held in conjunction with an election of the political subdivision; or
3. The county executive committee, for a student election held in conjunction with a primary election.

A student election may be held only on election day or the day before election day.

The authority ordering a student election shall specify in the order each grade that may participate in the election. A student in a specified grade may enter a precinct polling place for the purpose of casting an unofficial ballot in the student election on the same offices and measures that appear on the official ballot.

The election officers serving in the official election may not serve in the student election. The authority ordering a student election shall appoint a separate set of election officers to conduct the student election, supervise the participating students, and tabulate and report the results of that election. The authority ordering a student election shall make the results of that election available to the public but only after the polling places are closed on election day.

Expenses incurred in the conduct of a student election, including any personnel expenses, may be paid only from private grant funds or donations.

Election Code 276.007

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LEGAL)

With Board approval, the District shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

KINDERGARTEN-
GRADE 5

The District shall develop procedures for kindergarten acceleration that are approved by the Board.

The District shall accelerate a student in grades 1–5 one grade level if the student meets the following requirements:

1. The student scores 80 percent or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A District representative recommends that the student be accelerated; and
3. The student's parent or guardian gives written approval of the acceleration.

GRADES 6–12

The District shall give a student in grades 6–12 credit for an academic subject in which the student has received no prior instruction if the student scores:

1. A three or higher on a College Board advanced placement examination that has been approved by the Board for the applicable course;
2. A scaled score of 60 or higher on an examination administered through the College-Level Examination Program and approved by the Board for the applicable course; or
3. Eighty percent or above on any other criterion-referenced test approved by the Board for the applicable course.

If a student is given credit in a subject on the basis of an examination on which the student scored 80 percent or higher, the District shall enter the examination score on the student's transcript and the student is not required to take an end-of-course (EOC) assessment instrument under Education Code 39.023(c) for the course.

BOARD-APPROVED
EXAMINATIONS

The Board shall approve for each high school course, to the extent available, at least four examinations that shall include College Board advanced placement examinations and examinations administered through the College-Level Examination Program.

The examinations may be developed by Texas Tech University, The University of Texas at Austin, the District, or another entity. If using

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LEGAL)

a District-developed examination or an examination developed by another entity, prior to the first administration, the District must certify that the examination:

1. Covers all assessable Texas essential knowledge and skills for the course;
2. Has not been published and is not publicly available;
3. Will only be administered in a secure environment under standardized conditions by a school district or institution of higher education;
4. Has been externally validated;
5. Is equivalent to state level EOC assessment instruments in terms of content coverage, item difficulty, and technical quality;
6. Yields comparable results for all subgroups; and
7. If for a course that has a state level EOC assessment instrument, is validated against the applicable EOC assessment. For a course that is validated for this purpose, the District must make public:
 - a. The test development process; and
 - b. The results of the validation efforts.

District-developed examinations for courses that do not have an EOC assessment shall meet all validation requirements at items 1–7 above no later than the 2018–19 school year for each examination offered for credit.

Examinations developed by Texas Tech University and The University of Texas at Austin for courses that do not have a state EOC assessment shall meet all requirements at items 1–7 above not later than the 2018–19 school year for each of its examinations offered for credit.

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination.

ANNUAL
ADMINISTRATION

The District shall administer each exam approved by the Board not fewer than four times each year. The District must provide windows to test between January 1 and March 31, April 1 and June 30, July 1 and September 30, and October 1 and December 31, unless the exam's administration date is established by an entity other than the District. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community.

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LEGAL)

The District may allow a student to accelerate at a time other than those described above by developing a cost-free option approved by the Board that allows students to demonstrate academic achievement or proficiency in a subject or grade level.

LIMITATIONS ON
TAKING
EXAMINATIONS

A student may not attempt to earn credit by examination for a specific high school course more than two times.

If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the District's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

FEES

The District shall not charge for examinations for acceleration. If a parent requests an alternative examination, the District may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin.

Education Code 28.023; 19 TAC 74.24, 101.3021(c)

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LOCAL)

EXAMINATIONS FOR
ACCELERATION OR
COURSE CREDIT

If a student in grades 1–12 wishes to accelerate to the next grade level or earn course credit without having received prior instruction in the grade level or course, the District shall offer opportunities in accordance with state law and State Board rules for the student to take a Board-approved examination for this purpose.

KINDERGARTEN
ACCELERATION

In accordance with State Board rules, the Board shall approve procedures developed by the Superintendent or designee to allow a child who is five years old at the beginning of the school year to be assigned initially to grade 1 rather than kindergarten. Criteria for acceleration may include:

1. Scores on readiness tests or achievement tests that may be administered by appropriate District personnel.
2. Recommendation of the kindergarten or preschool the student has attended.
3. Chronological age and observed social and emotional development of the student.
4. Other criteria deemed appropriate by the principal and Superintendent.

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

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

SECTION I	High School Diploma	pages 2–3
	1. Special Education	
	2. Posthumous Diploma	
	3. Diplomas for Veterans	
SECTION II	Personal Graduation Plan (PGP)	pages 3–4
	1. Junior High or Middle School PGP	
	2. High School PGP	
	3. Students Receiving Special Education Services	
SECTION III	Early Graduation	page 4
SECTION IV	State Graduation Requirements	pages 5–14
	1. Students Entering Grade 9 in the 2014–15 School Year	
	2. Transition to the Foundation High School Program	
	3. Students Who Entered Grade 9 before the 2014–15 School Year	
SECTION V	Transfers from Out-of-State or Nonpublic Schools	page 15
SECTION VI	Graduation of Students Receiving Special Education Services	pages 15–16
	1. Completion of General Education Requirements	
	2. Completion of IEP	
	3. Aging Out	
	4. Evaluation	
SECTION VII	Graduation of Military Dependents	pages 16–17
	1. Course Waiver	
	2. Transfers During Senior Year	
	3. Substitute Passing Standard	
SECTION VIII	Graduation of Student in Conservatorship of DFPS	page 17

SECTION I: HIGH SCHOOL DIPLOMA

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

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

Education Code 28.025(c)

SPECIAL EDUCATION

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

POSTHUMOUS
DIPLOMA

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

EXCEPTION

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

Education Code 28.0254

DIPLOMAS FOR
VETERANS

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

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or

2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

SECTION II: PERSONAL GRADUATION PLAN (PGP)

JUNIOR HIGH OR
MIDDLE SCHOOL PGP

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

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

A PGP must:

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

Education Code 28.0212

STUDENTS
RECEIVING
SPECIAL
EDUCATION
SERVICES

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

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

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

HIGH SCHOOL PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

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

The District may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

Education Code 28.02121

SECTION III: EARLY GRADUATION

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

SECTION IV: STATE GRADUATION REQUIREMENTS

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74).

STUDENTS ENTERING
GRADE 9 IN THE 2014–
15 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see FOUNDATION HIGH SCHOOL PROGRAM, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the District, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

FOUNDATION HIGH
SCHOOL PROGRAM

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and

8. Elective courses—5 credits.

19 TAC 74.12

ENDORSEMENTS

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

The District must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement.

The District shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

The District may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

- EXCEPTION
- A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

- PREREQUISITES
- A student may not be enrolled in a course that has a required prerequisite unless:
1. The student has completed the prerequisite course(s);
 2. The student has demonstrated equivalent knowledge as determined by the District; or
 3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

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

19 TAC 74.11(j), (k)

- PHYSICAL
EDUCATION
SUBSTITUTIONS
- OTHER PHYSICAL
ACTIVITY
- In accordance with local District policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See RESTRICTIONS, below]
- In accordance with local District policy, credit for any physical education course may be earned through participation in the following activities:
1. Athletics;
 2. JROTC; and
 3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. The District must

apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:

- a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the Superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
- b. Private or commercially sponsored physical activities include those certified by the Superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

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

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

RESTRICTIONS

All substitution activities permitted by local District policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH
DISABILITY OR
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the District, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

FINE ARTS
SUBSTITUTIONS

In accordance with local District policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the District in which the student is enrolled. The District must apply to the Commissioner for approval of a program that may be substituted for state graduation credit in fine arts. Approval may be granted if the fine arts program provides instruction in the essential knowledge and skills identified for a fine arts course under 19 Administrative Code Chapter 117, Subchapter C. *19 TAC 74.12(b)(7)(B)*

DISTINGUISHED
LEVEL OF
ACHIEVEMENT

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

PERFORMANCE
ACKNOWLEDG-
MENTS

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn performance acknowledgment on the student's diploma and transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;
 - c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On the PSAT, the ACT-PLAN, the SAT, or the ACT; or

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

2. Earning a nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

TRANSITION TO
FOUNDATION HIGH
SCHOOL PROGRAM

The District shall allow a student who entered grade 9 prior to the 2014–15 school year to complete the curriculum requirements for high school graduation:

1. By satisfying the requirements in place when the student entered grade 9 for the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program [see 19 Administrative Code Chapter 74] if the student was participating in the program before the 2014–15 school year; or
2. Under the foundation high school program by satisfying the requirements adopted by the SBOE, if the student chooses during the 2014–15 school year to take courses under the program.

A student who entered grade 9 prior to the 2014–15 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014–15 school year.

19 TAC 74.1021

STUDENTS WHO
ENTERED GRADE 9
BEFORE THE 2014–15
SCHOOL YEAR

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

MINIMUM HIGH
SCHOOL PROGRAM

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the District.

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

	<p>A student agreeing to take courses under the Minimum High School Program may, upon request, resume taking courses under the Recommended High School Program. This provision expires on September 1, 2014.</p>
STUDENTS WITH DISABILITIES	<p>If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.</p>
NOTICE	<p>Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the Minimum High School Program, the District must provide the written notice developed by TEA to the parent or person standing in parental relation explaining the benefits of the Recommended High School Program. This provision expires on September 1, 2014.</p>
APPLICABILITY	<p>A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.</p> <p><i>Education Code 28.025(b-6), (b-8); 19 TAC 74.61(c), (d), .71(c), (d)</i></p>
REQUIREMENTS	<p>A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
RECOMMENDED HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.</p> <p><i>Education Code 28.025; 19 TAC 74.63, .73</i></p>

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

ADVANCED /
DISTINGUISHED
ACHIEVEMENT
HIGH SCHOOL
PROGRAM

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

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.

Education Code 28.025; 19 TAC 74.64, .74

EXCEPTION

A student participating in the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program who is completing the fourth year of high school during the 2013–14 school year and who does not satisfy the curriculum requirements of the high school program in which the student is participating may graduate if the student satisfies the curriculum requirements established for the foundation high school program under Education Code 28.025 as amended by H.B. No. 5, 83rd Legislature, Regular Session, 2013, and any other requirement required for graduation. This provision expires September 1, 2015. *Education Code 28.025(h-2)*

SUBSTITUTIONS

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP OR IB COURSES

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

READING

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

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

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

19 TAC 74.61(e), .71(f)

COLLEGE
COURSES

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. *Education Code 28.002(b-7); 19 TAC 74.61(l), .71(j)*

PHYSICAL
EDUCATION
SUBSTITUTIONS

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

OTHER PHYSICAL
ACTIVITY

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

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

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

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

RESTRICTIONS

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH
DISABILITY OR
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the District, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

STUDENT WITH
PHYSICAL
LIMITATIONS

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

**SECTION V: TRANSFERS FROM OUT-OF-STATE OR
NONPUBLIC SCHOOLS**

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(f)* [See EHDB, EHDC, EHDE, and EI]

**SECTION VI: GRADUATION OF STUDENTS RECEIVING
SPECIAL EDUCATION SERVICES**

COMPLETION OF
GENERAL EDUCATION
REQUIREMENTS

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

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

COMPLETION OF IEP

3. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The

student must also successfully complete the student's IEP and meet one of the following conditions, consistent with the IEP:

- a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
- b. Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District; or
- c. Access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program.

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

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

AGING OUT

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

19 TAC 89.1070(b), (e)–(f)

EVALUATION

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

SECTION VII: GRADUATION OF MILITARY DEPENDENTS

COURSE WAIVER

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military

student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

TRANSFERS DURING
SENIOR YEAR

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

SUBSTITUTE PASSING
STANDARD

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

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

SECTION VIII: GRADUATION OF STUDENT IN CONSERVATORSHIP OF DFPS

If an 11th or 12th grade student in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

STATE ASSESSMENT
OF ACADEMIC SKILLS

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

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see END-OF-COURSE ASSESSMENTS, below]. *Education Code 39.025(a); 19 TAC 101.4001*

LIMITED ENGLISH
PROFICIENT (LEP)
STUDENTS

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

SPECIAL
EDUCATION

TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the Commissioner that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide the District with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

MILITARY
DEPENDENTS

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

1. Exit or EOC exams required for graduation from the sending state;

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

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

SUBSTITUTE
PASSING
STANDARD

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

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

ADMINISTRATION

The District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for administering tests.
19 TAC 101.25, .27

SCHEDULE

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

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

19 TAC 101.25

ALTERNATE
TEST DATES

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

pus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause the District or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

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

19 TAC 101.5003

NOTICE TO PARENTS
AND STUDENTS

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

GRADE
ADVANCEMENT
TESTING

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

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

GRADUATION
TESTING

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

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

19 TAC 101.3012

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

TESTING IN
GRADES 3–8

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

1. Mathematics, annually in grades 3 through 7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
2. Reading, annually in grades 3 through 8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

EXCEPTION

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

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

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

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

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

ACCOMMODATIONS

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

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

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See SPECIAL EDUCATION, above]

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

END-OF-COURSE
ASSESSMENTS

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

STUDENTS
ENROLLED BELOW
HIGH SCHOOL
LEVEL

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

ASSESSMENT
REQUIREMENTS
FOR GRADUATION

A student must meet satisfactory performance on each EOC assessment listed in Education Code 39.023(c) in order to be eligible to receive a Texas diploma.

EXCEPTIONS

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

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

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

19 TAC 101.3021(e), .3022

SUBSTITUTE
ASSESSMENTS

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the Commissioner's chart at 19 Administrative Code 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled; and
2. Received a satisfactory score on the substitute assessment as determined by the Commissioner and provided in the chart at 19 Administrative Code 101.4002(b).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 Administrative Code 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

VERIFICATION
OF RESULTS

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

Upon receipt of official results of an approved substitute assessment, the District must:

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

19 TAC 101.4002, .4005

SATISFACTORY
PERFORMANCE

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner on each EOC assessment instrument listed under Education Code 39.023(c) that is administered to the student. *Education Code 39.025(a)*

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

SPECIAL
EDUCATION

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

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

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011–12 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP.

19 TAC 101.3023

CREDIT BY
EXAMINATION

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

ADDITIONAL STATE
ASSESSMENTS

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

RETAKES

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

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

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

REPORTING RESULTS
TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The in-

formation shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

TO THE BOARD

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

TO PARENTS,
STUDENTS, AND
TEACHERS

The District shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at CONFIDENTIALITY, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, the District shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

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

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

PARENTAL ACCESS

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

FURTHER
INSTRUCTION

The District shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. [See EHBC]

ACCELERATED
INSTRUCTION

COLLEGE
PREPARATORY
COURSE

EOC PASSING
SCORES

If the District determines that a student, on completion of grade 11, is unlikely to achieve the score requirement for one or more EOC assessment instruments administered to the student as provided by Education Code 39.025(a) [see SATISFACTORY PERFORMANCE, above] for receiving a high school diploma, the District shall require the student to enroll in a corresponding content-area

college preparatory course for which an EOC assessment instrument has been adopted, if available.

A student who enrolls in a college preparatory course shall be administered an EOC assessment instrument for the course, with the instrument scored on a scale as determined by the Commissioner. A student may use the student's score on the EOC assessment instrument for the college preparatory course towards satisfying the score requirement.

Education Code 39.025(b-1)–(b-2) [See EHBC]

COLLEGE
READINESS

The District shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the twelfth grade level whose performance on:
 - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the District partners.

FACULTY

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the District partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

NOTICE

The District shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

CREDIT
EARNED

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced

mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

DUAL CREDIT A course may be offered for dual credit at the discretion of the institution of higher education with which the District partners.

INSTRUCTIONAL MATERIALS The District, in consultation with the institution of higher education with which the District partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

To the extent applicable, the District shall draw from curricula and instructional materials developed under Education Code 28.008 in developing a course and related instructional materials. A course and the related instructional materials shall be made available to students not later than the 2014–15 school year. This section expires September 1, 2015.

Education Code 28.014

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

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

19 TAC 101.3031

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

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

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

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

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

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

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

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

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

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

19 TAC 101.3031(b)(2), 249.15

MINIMIZE
DISRUPTIONS

In implementing the Commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, the District shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

Note: The following provisions are from federal law.

SERVICE ANIMAL
SERVICE DOGS

“Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

28 C.F.R. 35.104

POLICIES,
PRACTICES, OR
PROCEDURES

The District shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7), .136(a)* [See FB(LEGAL)]

ACCESS

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. *28 C.F.R. 35.136(g)*

EXCEPTIONS

The District may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal’s handler does not take effective action to control it; or
2. The animal is not housebroken.

28 C.F.R. 35.136(b)

EQUAL EDUCATIONAL OPPORTUNITY
SERVICE ANIMALS

FBA
(LEGAL)

The ADA does not require the District to permit an individual to participate in or benefit from the services, programs, or activities of the District when that individual poses a direct threat to the health or safety of others. *28 C.F.R. 35.139* [See FB(LEGAL)]

If the District properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. *28 C.F.R. 35.136(c)*

ANIMAL
UNDER
HANDLER'S
CONTROL

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). *28 C.F.R. 35.136(d)*

INQUIRIES

The District shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The District may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

The District shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, the District may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

28 C.F.R. 35.136(f)

CARE OR
SUPERVISION OF
ANIMAL

The District is not responsible for the care or supervision of a service animal. *28 C.F.R. 35.136(e)*

SURCHARGES

The District shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

If the District normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

28 C.F.R. 35.136(h)

EQUAL EDUCATIONAL OPPORTUNITY
SERVICE ANIMALS

FBA
(LEGAL)

MINIATURE HORSES REASONABLE MODIFICATIONS	The District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
ASSESSMENT FACTORS	In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the District shall consider: <ol style="list-style-type: none">1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;2. Whether the handler has sufficient control of the miniature horse;3. Whether the miniature horse is housebroken; and4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
OTHER REQUIREMENTS	Provisions at 28 C.F.R. 35.136(c) through (h) shall also apply to miniature horses. <i>28 C.F.R. 35.136(i)</i>

Note: The following provisions are from state law.

ASSISTANCE ANIMALS	"Assistance animal" and "service animal" mean a canine that is specially trained or equipped to help a person with a disability and that is used by a person with a disability. <i>Human Resources Code 121.002(1)</i>
ASSISTANCE ANIMAL ACCESS	No person with a disability may be denied admittance to any public facility in the state because of the person's disability or may be denied the use of an assistance animal. Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class. A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer. <i>Human Resources Code 121.003(c), (e), (i)</i>

EQUAL EDUCATIONAL OPPORTUNITY
SERVICE ANIMALS

FBA
(LEGAL)

HARASSMENT AND
HARM PROHIBITED

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal.

“Harass” means any conduct that is directed at an assistance animal that impedes or interferes with, or is intended to impede or interfere with, the animal’s performance of its duties or places a person with a disability who is using an assistance animal, or a trainer who is training an assistance animal, in danger of injury.

A person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a public facility except to determine the basic type of assistance provided by the service animal to a person with a disability. If a person’s disability is not readily apparent, a staff member or manager of the facility may inquire about whether the service animal is required because the person has a disability and what type of work or task the service animal is trained to perform.

Human Resources Code 121.002, .003(j)–(l)

TRANSPORTATION

No public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person with a disability solely because of the person’s disability, nor may a person with a disability be required to pay an additional fare because of his or her use of an assistance animal. *Human Resources Code 121.003(b)*

RESPONSIBILITIES
OF PERSONS WITH
DISABILITIES

A person with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.

A person with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals.

Human Resources Code 121.005

PENALTIES

A person, including a firm, association, corporation, or other public or private organization, or the agent of the person, who violates a provision of Human Resources Code 121.003:

1. Commits a misdemeanor punishable by a fine of not more than \$300 and 30 hours of community service to be performed for a governmental entity or nonprofit organization that

primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year; and

2. Is deemed to have deprived a person with a disability of his or her civil liberties. The person with a disability deprived of his or her civil liberties may maintain a cause of action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$300 to the person with a disability.

Human Resources Code 121.004

Note: This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

SEXUAL HARASSMENT
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DF]

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

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GENDER-BASED
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the

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student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

RETALIATION

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.

EXAMPLES

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIM

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.

PROHIBITED
CONDUCT

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING
PROCEDURES

STUDENT REPORT

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, other District employee, or the appropriate District official listed in this policy.

EMPLOYEE REPORT

Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

DEFINITION OF
DISTRICT
OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

TITLE IX
COORDINATOR

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

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Name: Anitrea Goodwin
Position: Executive Director of Human Resources
Address: P.O. Box 1107, Orange, TX 77630
Telephone: (409) 882-5610

ADA/
SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Dr. Brant Graham
Position: Director of Special Education
Address: P.O. Box 1107, Orange, TX 77630
Telephone: (409) 882-5407

SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

ALTERNATIVE
REPORTING
PROCEDURES

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

TIMELY REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

NOTICE TO PARENTS

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

INVESTIGATION OF
THE REPORT

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

INITIAL
ASSESSMENT

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District shall immedi-

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ately undertake an investigation, except as provided below at
CRIMINAL INVESTIGATION.

If the District official determines that the allegations, if proven,
would not constitute prohibited conduct as defined by this policy,
the District official shall refer the complaint for consideration under
FFI.

INTERIM ACTION

If appropriate and regardless of whether a criminal or regulatory
investigation regarding the alleged conduct is pending, the District
shall promptly take interim action calculated to address prohibited
conduct or bullying prior to the completion of the District's investi-
gation.

DISTRICT
INVESTIGATION

The investigation may be conducted by the District official or a de-
signee, such as the principal, or by a third party designated by the
District, such as an attorney. When appropriate, the principal shall
be involved in or informed of the investigation.

The investigation may consist of personal interviews with the per-
son making the report, the person against whom the report is filed,
and others with knowledge of the circumstances surrounding the
allegations. The investigation may also include analysis of other
information or documents related to the allegations.

CRIMINAL
INVESTIGATION

If a law enforcement or regulatory agency notifies the District that a
criminal or regulatory investigation has been initiated, the District
shall confer with the agency to determine if the District investiga-
tion would impede the criminal or regulatory investigation. The Dis-
trict shall proceed with its investigation only to the extent that it
does not impede the ongoing criminal or regulatory investigation.
After the law enforcement or regulatory agency has finished gath-
ering its evidence, the District shall promptly resume its investiga-
tion.

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, such as a request by a law en-
forcement or regulatory agency for the District to delay its investi-
gation, the investigation should be completed within ten District
business days from the date of the report; however, the investiga-
tor shall take additional time if necessary to complete a thorough
investigation.

The investigator shall prepare a written report of the investigation.
The report shall include a determination of whether prohibited con-
duct or bullying occurred. The report shall be filed with the District
official overseeing the investigation.

NOTIFICATION OF
OUTCOME

Notification of the outcome of the investigation shall be provided to
both parties in compliance with FERPA.

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DISTRICT ACTION	
PROHIBITED CONDUCT	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.
CORRECTIVE ACTION	Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.
BULLYING	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
IMPROPER CONDUCT	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
RECORDS RETENTION	Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).
ACCESS TO POLICY AND PROCEDURES	Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

GBA
(LEGAL)

PUBLIC INFORMATION
DEFINED

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

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

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

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

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

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

FORMS OF PUBLIC
INFORMATION

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

The media on which public information is recorded include:

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

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

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

Gov't Code 552.002(b)–(c)

AVAILABILITY

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

INFORMATION THAT
MUST BE DISCLOSED

The following categories of information are public information and not excepted from required disclosure unless made confidential under Government Code Chapter 522 or other law:

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

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

Gov't Code 552.022

INVESTMENT
INFORMATION

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

ONLINE MESSAGE
BOARD

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

PERSONAL
INFORMATION

EMPLOYEE / BOARD
MEMBER

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

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

sonnel officer to open or close the information. A written request made after the 14 days does not apply to an open records request made before the option was exercised.

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

PEACE OFFICERS /
SECURITY
OFFICERS

EMPLOYED BY
THE DISTRICT

District-held information relating to the home address, home telephone number, emergency contact information, or social security number of employees who are peace officers, or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the officer has family members, is excepted from disclosure regardless of whether the officer chooses to restrict public access to the information under Government Code 552.024. *Gov't Code 552.117*

ALL OFFICERS

District-held information relating to the home address, home telephone number, emergency contact information, date of birth, social security number, or any information that reveals whether an officer has family members, of any peace officer, security officer, or other person listed at Government Code 552.1175 is confidential by law if the officer chooses to restrict public access and notifies the District on a form provided by the District, accompanied by evidence of the officer's status. *Gov't Code 552.1175*

NOTICE TO
REQUESTOR

If an employee or Board member has opted to restrict public access to his or her personal information, the District may redact the personal information from any information the District discloses without the necessity of requesting a decision from the attorney general. The District may also redact information that must be withheld under Government Code 552.1175 without requesting an attorney general decision. *Gov't Code 552.024(c), (f)*

If the District redacts information under either of these provisions, the District shall provide the information required by Government Code 552.024(c-2) and 552.1175(h) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-2), (h)*

EVALUATIONS

A document evaluating the performance of a teacher or administrator is confidential. *Education Code 21.355*

EDUCATOR
CERTIFICATION EXAM

The results of an educator certification examination are confidential and are not subject to disclosure, unless:

1. The disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057; or

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2. The educator has failed the examination more than five times.

Education Code 21.048(c-1)

CREDIT CARD, DEBIT
CARD, CHARGE CARD,
AND ACCESS DEVICE
NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the District is confidential.

“Access device” means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

The District may redact credit card, debit card, charge card, or access device numbers from any information the District discloses without the necessity of requesting a decision from the attorney general. The District shall provide the information required by Government Code 552.136 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

E-MAIL ADDRESSES
CONFIDENTIAL

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

EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to the District by a person who has a contractual relationship with the District or by the contractor's agent;
2. Provided to the District by a vendor who seeks to contract with the District or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the District in the course of negotiating the terms of a contract or potential contract;
4. Provided to the District on a letterhead, coversheet, printed document, or other document made available to the public; or

5. Provided to the District for the purpose of receiving orders or decisions from the District, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this section includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

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

Gov't Code 552.137, 2001.003(2)

VICTIM OF ABUSE OR
IMPROPER
RELATIONSHIP

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

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

PARTICIPANT IN
ADDRESS
CONFIDENTIALITY
PROGRAM

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

VICTIMS OF CERTAIN
CRIMES

A District employee who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B may elect whether to allow public access to information held by the District that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the District, be signed by the employee, and be filed with the District before the third anniversary of the latest to occur of one of the following:

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

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

Gov't Code 552.132

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

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INFORMATION
EXCEPTED FROM
PUBLIC DISCLOSURE

The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

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

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

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

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

3. Information in the custody of the District that relates to an employee or officer of the District if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.151*
4. Information relating to litigation of a civil or criminal nature to which the District is, or may be, a party or to which an officer or employee of the District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the District's

public information officer receives the request. *Gov't Code 552.103*

5. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*
6. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*
7. Drafts and working papers involved in the preparation of proposed legislation. *Gov't Code 552.106*
8. Information the District's attorney is prohibited from disclosing because of a duty to the District under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*
9. Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records. *Education Code 22.08391*
10. Criminal history record information obtained by the District from the Texas Department of Public Safety. *Gov't Code 411.097(d)(2)* [See CJA, DBAA]
11. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
 - a. Information that deals with detection, investigation, or prosecution of crime; and
 - b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

Gov't Code 552.108

12. A sensitive crime scene image in the custody of the District, regardless of the date that the image was taken or recorded. "Sensitive crime scene image" means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia. The District may not permit a person to view or copy the image except as provided by Government Code 552.1085. *Gov't Code 552.1085(a)(6), (c)*
13. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*
14. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*
15. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*
16. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the District. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*
17. An audit working paper of an audit of the District auditor, including any audit relating to the criminal history background check of a public school employee. If information in an audit working paper is also maintained in another record, that other record is not excepted. *Gov't Code 552.116*
18. Student records, except to District personnel, the student, or the student's parents, guardian, or spouse. The District is not required to release student records, except in conformity with FERPA. *Gov't Code 552.114, 552.026 [See FL]*
19. Information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:
 - a. A current or former District employee or Board member, except as provided by Section 552.024; or

- b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

Gov't Code 552.117

- 20. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
 - a. The officer is under indictment or charged with an offense by information;
 - b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
 - c. The photograph is introduced as evidence in a judicial proceeding.

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

Gov't Code 552.119

- 21. The identity of a school marshal appointed under Education Code 37.0811. *Education Code 37.0811(g)*
- 22. Test items developed by a state-funded educational institution. *Gov't Code 552.122*
- 23. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. *Gov't Code 551.104(c)*
- 24. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:
 - a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
 - b. To a person with a special right of access under Government Code 552.023; or
 - c. To a law enforcement agency or prosecutor under a court order or subpoena.

Gov't Code 552.124

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

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

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

Gov't Code 552.130

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

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

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

Gov't Code 552.135

28. Information in a commercial book or publication purchased or acquired by the District for research purposes, if the book or publication is commercially available to the public. The District is not required to make copies of commercially available information, but the District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the District.

Gov't Code 552.027

29. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the District, if that information relates to:

- a. A trade secret of the business prospect; or
- b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

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

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

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

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

31. Information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. The following information is confidential:
 - a. A computer network vulnerability report;
 - b. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of the District or of a contractor of the District is vulnerable to unauthorized access or harm, including an assessment of the extent to which the District's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; and
 - c. A photocopy or other copy of an identification badge issued to an official or employee of the District.

The District may disclose the information to a bidder if the District determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 (requiring disclosure to any person).

Gov't Code 552.139

32. A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the District on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the District in accordance with Government Code Section 552.140. A district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140*
33. The social security number of a living person. The social security number is not confidential, however. The District may redact the social security number of a living person from any information the District discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*
34. Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system. This provision applies to records that are in the custody of the District acting in cooper-

ation with or on behalf of the retirement system. A district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general. *Gov't Code 552.0038, 825.507(a)*

For purposes of Government Code 825.507, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes. *Gov't Code 825.507(g)*

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
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APPLICABILITY OF
CRIMINAL LAWS

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

TRESPASS

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

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

VEHICLES ON
SCHOOL PROPERTY

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

DISRUPTION OF
LAWFUL ASSEMBLY

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

Disruptive activity means:

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

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

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FREE SPEECH

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

Education Code 37.123

DISRUPTION OF
CLASSES

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

Disrupting the conduct of classes or other school activities includes:

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

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

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

Education Code 37.124

DISRUPTION OF
TRANSPORTATION

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

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

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

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

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- FIREARMS / WEAPONS
– IN GENERAL
- A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, illegal knife, or prohibited weapon [see FNCG]:
1. Onto the physical premises (a building or portion of a building) of a school;
 2. Onto any grounds or into a building in which an activity sponsored by a school is being conducted; or
 3. On a passenger transportation vehicle of a school.
- This offense does not apply if the person is acting pursuant to written regulations or written authorization of the District.
- It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a concealed handgun.
- Penal Code 46.03(a)(1), (f)*
- PREMISES DEFINED
- “Premises,” for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*
- EXCEPTED PERSONS
- Penal Code 46.03(a)(1) does not apply to:
1. Peace officers or special investigators regardless of whether engaged in the actual discharge of the officer’s or investigator’s duties;
 2. Parole officers while engaged in the actual discharge of the officer’s duties;
 3. Community supervision and corrections department officers while engaged in the actual discharge of the officer’s duties;
 4. An active judicial officer who is licensed to carry a concealed handgun;
 5. An honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency and is carrying a photo identification verifying that the officer or investigator qualifies for this exception;
 6. A district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun;

COMMUNITY RELATIONS
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7. An assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun;
8. A bailiff designated by an active judicial officer who is licensed to carry a concealed handgun and engaged in escorting the judicial officer; or
9. A juvenile probation officer who is authorized to carry a firearm.

Penal Code 46.15(a)

EXHIBITION OF
FIREARMS

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

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

Education Code 37.125

CONCEALED
HANDGUN LICENSE
HOLDER

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

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

NOTICE / SIGN

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

“Written communication” means:

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

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contrasting colors with block letters at least one inch in height;
and is displayed in a conspicuous manner clearly visible to
the public.

EXCEPTION

Penal Code 30.06 does not apply to property owned or leased by
the District that is not a building, portion of a building, or at a high
school sporting event, interscholastic event, or Board meeting.

Penal Code 30.06 [See also FNCG]

INTERSCHOLASTIC
EVENTS

A license holder commits a Class A misdemeanor if the license
holder intentionally, knowingly, or recklessly carries a handgun un-
der the authority of Subchapter H, Chapter 411, Government Code,
regardless of whether the handgun is concealed, on the premises
where a high school, collegiate, or professional sporting event or
interscholastic event is taking place.

Penal Code 46.035(b)(2) does not apply if the license holder is a
participant in the event and a handgun is used in the event.

Penal Code 46.035(b)(2)

BOARD MEETINGS

A license holder commits a Class A misdemeanor if the license
holder intentionally, knowingly, or recklessly carries a handgun, re-
gardless of whether the handgun is concealed, at any meeting of
the Board.

Penal Code 46.035(c) does not apply unless the license holder
was given effective notice under Penal Code 30.06. [See
NOTICE/SIGN, above].

Penal Code 46.035(c), (i)

DEFENSE TO
PROSECUTION

It is a defense to prosecution under Penal Code 46.035(b) and (c)
[see INTERSCHOLASTIC EVENTS and BOARD MEETINGS,
above] that the actor, at the time of the offense, was:

1. A judge or justice of a federal court;
2. An active judicial officer;
3. A district attorney, assistant district attorney, criminal district
attorney, assistant criminal district attorney, county attorney,
or assistant county attorney; or
4. A bailiff designated by an active judicial officer and engaged in
escorting the officer.

Penal Code 46.035(h-1)

RELATIONS WITH EDUCATIONAL ENTITIES
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FACILITIES

DUAL USAGE
EDUCATIONAL
COMPLEX

The District may enter into a cooperative agreement with a community college district regarding a dual usage educational complex, provided the District is located in whole or in part in the service area of the college district. The college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the parties under the terms of the cooperative agreement. *Education Code 130.0103*

INSTRUCTIONAL OR
ATHLETIC FACILITY

The Board may contract with an institution of higher education located wholly or partially within the District's boundaries for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education.

The District and an institution of higher education located wholly or partially in the boundaries of the county in which the District is located may contract for the District to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education.

Education Code 45.109 [See CX]

COLLEGE
COURSES IN
DISTRICT
FACILITIES

If the District is located in a county contiguous to, but not part of, a community college district, the Board may enter into a contract with the community college district for the community college to hold college courses in the District's facilities. The contract shall be approved by Board resolution. Either party may terminate the contract by giving the other party at least one year's written notice. *Education Code 130.006*

DISTRICT COURSES
ON HIGHER
EDUCATION
CAMPUS

The Board may operate a school or program or hold a class on the campus of an institution of higher education in this state if the Board obtains written consent from the president or other chief executive officer of the institution, regardless of whether the institution is located within the boundaries of the District. *Education Code 11.166*

INSTRUCTIONAL
PARTNERSHIPS WITH
COMMUNITY COLLEGE
DISTRICTS

Types of instructional partnerships between the District and a community college district include:

1. Award of High School Credit (see HIGH SCHOOL CREDIT-ONLY COURSES, below).
2. Award of Dual Course Credit (see DUAL CREDIT COURSES, below).
3. Tech-Prep Programs.

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4. Remedial or Developmental Instruction (see REMEDIAL PROGRAMS, below).

19 TAC 9.143

AGREEMENT

For any educational partnership between the District and a community college district, an agreement must be approved by the board or designee of both the District and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcribing of credit.
8. Funding provisions.

19 TAC 9.144

HIGH SCHOOL
CREDIT-ONLY
COURSES

The District may contract with a community college district for the college district to provide coursework necessary for students to complete high school. The District and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125*

DUAL CREDIT
COURSES

The District may enter into an agreement with a public college to form a dual credit partnership. Dual credit means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school. *19 TAC Ch. 4, Subch. D* [See EHDD(LEGAL)]

REMEDIAL
PROGRAMS

The Board may contract with the board of the community college district in which the District is located for the college district to provide remedial programs for students enrolled in the District's secondary schools in preparation for graduation from secondary school and entrance into college. *Education Code 130.090; 19 TAC 9.146*

DROPOUT RECOVERY
PROGRAM

The District may enter into an articulation agreement to partner with the public junior college district in which the District is located to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the District. *Education Code 29.402(a)*

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	<p>The program must meet the requirements at Education Code 29.402(c) and 29.081(e), (f). <i>Education Code 29.402(c), (d)</i></p>
STUDENT ELIGIBILITY	<p>A person is eligible to enroll in the dropout recovery program if the person:</p> <ol style="list-style-type: none">1. Is under 26 years of age;2. Must complete not more than three course credits to complete the curriculum requirements for the foundation high school program, as appropriate, for high school graduation; or3. Has failed to perform satisfactorily on an end-of-course assessment instrument under Education Code 39.023(c), or an assessment instrument under Education Code 39.023(c) as that section existed before 2007. [See EKB] <p><i>Education Code 29.402(b)</i></p>
FUNDING	<p>The District shall pay the college district a negotiated amount for each student from the District enrolled in the dropout recovery program. The negotiated amount shall not exceed the total average per student funding amount in the District during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund. <i>Education Code 29.403(a)</i></p> <p>A student who is enrolled in a dropout recovery program is included in determining the average daily attendance of the District. <i>Education Code 29.403(b)</i></p>
PLAN TO INCREASE HIGHER EDUCATION ENROLLMENT	<p>An affected district, as described below, shall enter into an agreement with the public institution of higher education in this state in closest geographic proximity to the District to develop a plan to increase the percentage of the District's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The plan must address the elements at Education Code 29.904(d). <i>Education Code 29.904(c), (d)</i></p>
AFFECTED DISTRICT	<p>An affected district is one with one or more high schools that:</p> <ol style="list-style-type: none">1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution. <p><i>Education Code 29.904(a)</i></p>

RELATIONS WITH EDUCATIONAL ENTITIES
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TIMELINE

Unless the District is already operating under a plan to increase enrollment, not later than May 1 of each year TEA shall notify the District if it is an affected district. The District must enter into an agreement to develop a plan to increase enrollment by August 1 of the year in which it receives notice from TEA. *Education Code 29.904(b), (c)*

The District shall file the plan with the Commissioner of Education and the Commissioner of Higher Education. The District must implement the plan at the beginning of the school year following the year during which the District receives notice from TEA that it is an affected district. The District may revise the plan as necessary in response to achieving or failing to achieve goals under the plan. *Education Code 29.904(e)-(g)*