

# Policy Reference Manual

## *Update 95*

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*TASB Policy Reference Manual Update 95* incorporates recent changes to the Administrative Code on bilingual education, student retention and promotion, the required instructional program, tuition for transfer students, and graduation requirements. The Update also addresses numerous other issues, including the official name of the district, board member powers and duties, procurement of legal services, and facilities construction. In addition, Update 95 includes all of the tables of contents, without revision, to address a system configuration issue.

To maintain your *Policy Reference Manual* as an up-to-date resource on governance and management of public school districts throughout Texas, please incorporate Update 95 into the manual as soon as possible. Remember that the *Policy Reference Manual* is a comprehensive collection of federal and state statutes and regulations, case law, attorney general opinions, and commissioner's decisions affecting Texas school districts. As such, it is an excellent reference document that recites a broad array of legal requirements, many of which apply to all districts, others to only a certain few. For this reason, these (LEGAL) policies are not suitable for incorporation in localized policy manuals.

**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.

If you have any questions concerning this update or the *TASB Policy Reference Manual*, please call 800-580-7529 or 512-467-0222.

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# Instruction Sheet

## TASB Policy Reference Manual Update 95

District      Policy Reference Manual

<b>Code</b>	<b>Action To Be Taken</b>	<b>Note</b>
A25    (INDEX)	Replace cross-index	Revised cross-index
A        (LEGAL)	Replace table of contents	See explanatory note
AB      (LEGAL)	ADD policy	See explanatory note
B        (LEGAL)	Replace table of contents	See explanatory note
BBFA   (EXHIBIT)	DELETE exhibit	See explanatory note
C        (LEGAL)	Replace table of contents	See explanatory note
CKA    (LEGAL)	Replace policy	Revised policy
CR      (LEGAL)	Replace policy	Revised policy
CRE    (LEGAL)	Replace policy	Revised policy
CV      (LEGAL)	Replace policy	Revised policy
D        (LEGAL)	Replace table of contents	See explanatory note
DCA    (LEGAL)	Replace policy	Revised policy
DFAC   (LEGAL)	Replace policy	Revised policy
DFBB   (LEGAL)	Replace policy	Revised policy
DL      (LEGAL)	Replace policy	Revised policy
DMA    (LEGAL)	Replace policy	Revised policy
E        (LEGAL)	Replace table of contents	See explanatory note
EGA    (LEGAL)	Replace policy	Revised policy
EHAA   (LEGAL)	Replace policy	Revised policy
EHAC   (LEGAL)	Replace policy	Revised policy
EHBAB (LEGAL)	Replace policy	Revised policy
EHBE   (LEGAL)	Replace policy	Revised policy
EIE     (LEGAL)	Replace policy	Revised policy
EIF     (LEGAL)	Replace policy	Revised policy
F        (LEGAL)	Replace table of contents	See explanatory note
FDA    (LEGAL)	Replace policy	Revised policy
FNC    (LEGAL)	Replace policy	Revised policy
FNF    (LEGAL)	Replace policy	Revised policy
G        (LEGAL)	Replace table of contents	See explanatory note
GKG    (LEGAL)	Replace policy	Revised policy



# Explanatory Notes

## TASB Policy Reference Manual Update 95

District: Policy Reference Manual

A25 (INDEX) CROSS-INDEX

The cross-index—shared by the *TASB Policy Reference Manual*, the *TASB Regulations Resource Manual*, and all localized policy manuals in districts throughout Texas—has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2010.

The cross-index is a key element used in searching Policy On Line. Please bear in mind that the cross-index is “generic” and presents a structure that serves all manuals; not every manual will address all of the topics shown or include all of the policies indicated.

A (LEGAL) BASIC DISTRICT FOUNDATIONS

The A section table of contents is being issued without revision to address a system configuration issue.

AB (LEGAL) DISTRICT NAME

This legally referenced policy is recommended for inclusion in district policy manuals. It includes existing statutory provisions that provide authority for a board to change the name of the district by a resolution, which must be sent to the Commissioner.

B (LEGAL) LOCAL GOVERNANCE

The B section table of contents is being issued without revision to address a system configuration issue.

BBFA (EXHIBIT) ETHICS  
CONFLICT OF INTEREST DISCLOSURES

This exhibit, which includes affidavits for board members to complete in order to comply with conflict of interest disclosure requirements, is being deleted from the *Policy Reference Manual* because it is included in each district’s local policy manual.

C (LEGAL) BUSINESS AND SUPPORT SERVICES

The C section table of contents is being issued without revision to address a system configuration issue.

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#### CKA            (LEGAL)            SAFETY PROGRAM/RISK MANAGEMENT INSPECTIONS

At MANAGEMENT PLAN, item 7, we have added an existing statutory provision requiring asbestos inspectors and persons who design or carry out response actions to be licensed by the Texas Department of State Health Services.

#### CR            (LEGAL)            INSURANCE AND ANNUITIES MANAGEMENT

A revision at PREMIUM PAYMENTS has been made to better reflect statutory language. The revised language clarifies that a district may deduct commercial insurance premiums from an employee's salary only if the employee authorizes the action in writing.

#### CRE           (LEGAL)            INSURANCE AND ANNUITIES MANAGEMENT WORKERS' COMPENSATION

On page 4 we have added a Note with information from the 2011 Texas Supreme Court case, *Travis Central Appraisal District v. Norman*, which held that an employee claiming retaliatory discharge for filing a workers' compensation claim cannot bring suit against a school district without the district's consent. The Note further explains that the Texas Labor Code does not waive a school district's immunity and provide such consent.

#### CV            (LEGAL)            FACILITIES CONSTRUCTION

Government Code section 2267.059, as included at SUBMISSION on page 3, requires all public work bids and proposals to be sealed. Since Government Code Chapter 2267 prevails over other law relating to a public work contract, we have deleted from the policy the Education Code provisions that allow a district to receive public work bids or proposals through electronic transmission, which are not required to be sealed.

#### D            (LEGAL)            PERSONNEL

The D section table of contents is being issued without revision to address a system configuration issue.

#### DCA           (LEGAL)            EMPLOYMENT PRACTICES PROBATIONARY CONTRACTS

This policy addressing employment under a probationary contract includes revisions at UPON REASSIGNMENT to better match statutory language and to duplicate this same language found at DFAC(LEGAL).

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#### DFAC      (LEGAL)      PROBATIONARY CONTRACTS RETURN TO PROBATIONARY STATUS

This policy has been structured to reflect the two situations when an employee may be returned to a probationary contract status:

- At UPON REASSIGNMENT, the provisions explain that if an employee voluntarily accepts an assignment to a new professional capacity that requires a different class of certificate from the employee's previous assignment, a district may give the employee a probationary contract.
- A district can also return an employee to probationary contract status IN LIEU OF DISCHARGE, TERMINATION, OR NONRENEWAL.

A change at NEW PROBATIONARY PERIOD has been made to better match statutory language.

#### DFBB      (LEGAL)      TERM CONTRACTS NONRENEWAL

To better match statutory wording, we have revised the language at NOTICE to delete two references to a "term" contract.

#### DL      (LEGAL)      WORK LOAD

The Commissioner of Education decision *Canutillo Educators Association v. Canutillo Independent School District* provides guidance on teachers' PLANNING AND PREPARATION time by explaining that it must occur during the time students are receiving instruction, not before or after the school day.

Per an attorney general opinion, teachers may not be required to remain on campus during their 30-minute DUTY-FREE LUNCH break.

#### DMA      (LEGAL)      PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

We have moved to TRAINING SPECIFICS an existing statutory provision explaining that a district may use district-wide staff development that was developed and approved through the district-level decision process and added a margin note regarding staff development relating to instruction of STUDENTS WITH DISABILITIES. In addition, effective with the 2012–13 school year staff development may include training related to bullying (see item 2 at TRAINING SPECIFICS). This change is from HB 1942 passed during the 82nd Legislative Session.

#### E      (LEGAL)      INSTRUCTION

The E section table of contents is being issued without revision to address a system configuration issue.

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#### EGA (LEGAL) CURRICULUM DEVELOPMENT INNOVATIVE AND MAGNET PROGRAMS

As a result of recent revisions to the Administrative Code clarifying that dual language immersion programs are part of the bilingual education program, we have deleted provisions on dual language immersion from this policy on Innovative and Magnet Programs and moved the provisions to EHBE, Bilingual Education/ESL.

#### EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM REQUIRED INSTRUCTION (ALL LEVELS)

As a result of changes to the Administrative Code, effective May 30, 2012, economics was moved to the FOUNDATION CURRICULUM as part of social studies.

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

The required GRADES 9–12 COURSE OFFERINGS, beginning on page 2, have been revised based on changes to the Administrative Code, effective May 30, 2012:

- In addition to Integrated Physics and Chemistry, Biology, Chemistry, and Physics, a district must now offer at least two additional science courses from those listed (see item 3);
- Economics is now listed as a required course under social studies (see item 4);
- Health Education has been deleted from the list of courses a district must offer; and
- A district must now offer at least four technology applications courses from those listed (see item 9).

In addition, a district must teach each course required for graduation at least once in any two consecutive years, and a district must teach a course with an end-of-course assessment each year or use alternate delivery methods, such as distance learning, so students can earn credit for those courses.

#### EHBAB (LEGAL) SPECIAL EDUCATION ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

At INDIVIDUALIZED EDUCATION PROGRAM (IEP), item 10 (see page 6), we have updated the text to reflect the current Education Code requirement for districts to begin transition planning not later than the first IEP to be in effect when the child is 14.

#### EHBE (LEGAL) SPECIAL PROGRAMS BILINGUAL EDUCATION/ESL

Extensive changes to this legally referenced policy on bilingual education are based on changes to the Administrative Code, effective May 28, 2012.



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- The Administrative Code now uses the term “English language learner” rather than “limited English proficient,” but includes a DEFINITION clarifying that the terms can be used interchangeably.
- At LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES (LPAC), on page 2, LPACs must discharge their duties within “20 school days” rather than “4 weeks.”
- In districts and grade levels without a bilingual education program, the MEMBERSHIP OF THE LPAC must include a campus administrator. See page 2.
- Additional details on administration of the HOME LANGUAGE SURVEY have been added on page 3.
- At PARENTAL NOTICE AND CONSENT, beginning on page 3, a district may now identify, exit, or place a student in a bilingual education program without written approval from the student’s parent under certain circumstances.
- As reflected on page 4, BILINGUAL AND ESL PROGRAMS must be selected from one of the program models outlined in the Administrative Code, as listed at BILINGUAL EDUCATION PROGRAM MODELS and ESL PROGRAM MODELS on page 6.
- As mentioned above, because a DUAL LANGUAGE IMMERSION PROGRAM (DLIP) is considered part of the bilingual education program, these provisions were moved from EGA with some minor changes.
- At FACILITIES, beginning on page 8, recent immigrant English language learners may only be enrolled in newcomer centers for two years before they are returned to their home campus.
- Documentation in a student’s permanent record must be forwarded in the same manner as other student records to another school in which the student enrolls. See COOPERATION AMONG DISTRICTS on page 9.

Existing provisions from the Administrative Code were added at PROGRAM CONTENT, on page 5, to explain the elements that must be addressed in the ESL program; the required coordination between the ESL program and the regular education program; and to explain that a district must modify the instruction, pacing, and materials in bilingual and ESL programs to ensure that English language learners have a full opportunity to master the TEKS and that students participating in these programs may demonstrate mastery in either their home language or in English.

EIE            (LEGAL)            ACADEMIC ACHIEVEMENT  
RETENTION AND PROMOTION

A clarification from recent amendments to the Administrative Code has been added at EXCEPTION on page 3. The new language explains that a student in grades 5 or 8 may not be denied promotion to the next grade level because the student failed to perform satisfactorily on a reading or mathematics assessment intended for use above the student’s grade level.

Minor rewording at STUDENTS WITH DYSLEXIA, on page 10, corresponds with terminology used in the revised Administrative Code rules.

EIF            (LEGAL)            ACADEMIC ACHIEVEMENT  
GRADUATION

Beginning on page 4, amendments to the Administrative Code, effective May 30, 2012, update and clarify graduation requirements for each of the three graduation programs beginning with students entering grade 9 in the 2012–13 school year.

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The rules also resulted in minor rewording of the provisions on page 7 addressing a STUDENT WITH A DISABILITY OR ILLNESS who is unable to participate in physical activity. When a committee is formed for a student who is not receiving special education services or services under Section 504 to determine the student's ability to participate in physical activity, the committee must follow the same procedures required of an ARD or Section 504 committee.

On page 8, new provisions from the revised Administrative Code rules govern enrollment and course credit for courses with a required PREREQUISITE.

#### F (LEGAL) STUDENTS

The F section table of contents is being issued without revision to address a system configuration issue.

#### FDA (LEGAL) ADMISSIONS INTERDISTRICT TRANSFERS

Changes to the Administrative Code, effective April 22, 2012, affect the calculation of tuition charged by the receiving district to the home district to educate students in grade levels not taught in the home district. The tuition payment is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt revenue per enrollee. The base tuition limit was deleted from the calculation. (See TUITION FOR EDUCATION OUTSIDE DISTRICT on page 2.)

#### FNC (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT CONDUCT

Clarification about the contents of the discipline management program that must be included in district improvement plans is from HB 1942 passed during the 82nd Legislative Session. The program is required to provide for prevention and education about unwanted physical or verbal aggression and sexual harassment, but HB 1942 deleted the language that required the program to include education about other forms of bullying.

#### FNF (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES INTERROGATIONS AND SEARCHES

From *Horton v. Goose Creek Independent School District*, at USE OF TRAINED DOGS beginning on page 2, we have added further explanation about when a sniffer dog is considered to be reasonably reliable so that a district has reasonable cause to search a locker or a car. The case explains that a district does not need to show that a dog is infallible or reliable enough to provide probable cause, only that the dog is reasonably reliable.

#### G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G section table of contents is being issued without revision to address a system configuration issue.

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GKG            (LEGAL)            COMMUNITY RELATIONS  
   SCHOOL VOLUNTEER PROGRAM

The provisions of this policy addressing the CRIMINAL HISTORY RECORD of volunteers have been re-ordered for clarity. The general provisions establishing that volunteers are subject to a criminal history record review before they may perform volunteer duties were moved to the beginning of the section, and specific language referring to the criminal history record review requirements was added at APPLICABILITY and EXCEPTION. The note referring to DBAA was moved to the bottom of the section.



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

## CROSS-INDEX

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 four-year-olds EHBG, FD  
 fraud CAA, CHE, DBD, DH  
**Free Appropriate Public Education (FAPE) EHBA,**  
**EHBA, EHBAB, EHBAC, EHBAD, EHBAE**  
 free and reduced-price meals program (See food service)  
 freedom of association DGA  
 free speech (See First Amendment)  
 fringe benefits DEB, DEC

fund balance CE  
 fund-raising activities DHA, FJ, GKB  
 funds  
   and accounts CFA  
   activity, management of CFD  
   depository BDAE  
   investment, liquidity/diversification CDA

**furlough, gifted and talented EHBB**  
**furlough program, employees DEAB**

## - G -

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

grievance procedures (See complaints/grievances)  
 grooming standards DH, FNCA  
 grounds management CLB  
 group health and life insurance CRD  
 grouping for instruction EEA  
 guest speakers EFC, GKC  
 guidance program  
   academic EJ  
   student assistance/counseling FFE, FFEA  
 guns DH, EHAD, FNCG, FOD, GKA

## - H -

handbooks  
   administrative regulations BP  
   student FN, FNC  
~~handicapped employees (See Americans with Disabilities Act Amendments Act of 2008)~~  
~~handicapped students (See students with disabilities)~~  
 harassment  
   employees DAA, DH, DIA  
   students DIA, FB, FFH, FFI, FNC  
 Hatch Amendment EF  
 hate literature FNAA, GKDA  
 Hazard Communication Act DI  
 hazardous routes CNA  
 hazing DH, FFI, FNCC  
 head lice FFAD  
 health  
   **care plans FFAF**  
   examinations/screenings  
     diabetes FFAA  
     drug/alcohol DHE, FNF  
     dyslexia EHB  
     hearing and vision, scoliosis FFAA  
     personnel DBB, DHE  
     students FFAA  
     tuberculosis DBB, FFAA  
   immunizations FFAB  
   insurance CRD, FFD  
   relations with health authorities GRA  
   requirements for enrollment FFAB  
   services DBB, FFA, FFAA, FFAC, **FFAF**  
**Health Information Portability Accountability Act (HIPAA) CRD**  
 hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, ~~DFC~~, DFCA, DFD, DFF, **DFFA, DFFB, DFFC**  
 hearing impaired BE, EHBH  
 hearings  
   board BE, DFBB, DGBA, FNG, GF  
   budget CE  
   challenging content of student records FL  
   due process  
     employees DFAA, DFBB, DFCA, DFD, DGBA  
     students FOD, FOF  
   expulsion of students FOD  
   financial management report CFA  
   independent hearing examiner DFBB, DFD  
   nonrenewal BJCF, DFBB  
~~hepatitis DBB, FFAB~~  
 higher education visits FEA  
 highly qualified DBA, DK, EHBD  
 High School Equivalency Program EHBL  
 HIPAA (See Health Information Portability Accountability Act) ~~CRD~~

hiring  
     at-will (noncontractual) DC, DCD  
     authority BJA, DC  
     contractual DC, DCA, DCB, DCC, DCE  
     practices **DAC**, DC  
     superintendent BJB  
 HIV (See AIDS/HIV)  
 holidays  
     personnel DED  
     school EB  
     religious DEC, FEA, FEB  
 holdover doctrine BBC, DBE  
 homebound instruction EEH  
 homeland security BEC, CKC, GRC  
 homeless students EHBC, EHBD, EI, FB, FD, FDC, FFAB, FFC  
 home-rule school district AG  
 home-school instruction FDA, FEA  
 homework ~~EIB~~**EIA**  
 honor graduates EIC  
~~honor rolls EID~~  
 honors courses EHBN, **EIC**, EIF  
 hospitalization insurance CRD  
 hours of school day EC  
 housing authorities relations GRA  
 HSEP (High School Equivalency Program) EHBL  
 human sexuality education EFAA, EHAA  
 hunter safety education EHAD  
 hurricane warnings CKC

- I -

IDEA (Individuals with Disabilities Education Act) EHBA  
     ~~series~~, **EHBA**, **EHBAB**, **EHBAC**, **EHBAD**, **EHBAE**  
 identification card CLA  
 illness  
     personnel DBB, DEC  
     student FEC, FFAC, FFAD  
 immunity (See liability)  
 immunizations FD, FFAB  
 incentives DEAA, DEC  
 inclement weather procedures CKC  
 income tax, salary deductions for CFEA  
 increments, salary DEA  
 independent auditors ~~BAA~~-CFC  
 independent hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB, ~~DFC~~, DFCA, DFD, DFF, **DFFA**, **DFFB**, **DFFC**  
 individualized learning  
     correspondence course EHDE  
     credit by examination EHDB, EHDC  
     distance learning EHDE  
     exams for acceleration EHDC  
     remedial instruction EHBC  
     special education EHBA-~~series~~, **EHBA**, **EHBAB**, **EHBAC**, **EHBAD**, **EHBAE**  
     tutorial program EHBC  
 individualized education program EHBA-~~series~~, **EHBA**, **EHBAB**, **EHBAC**, **EHBAD**, **EHBAE**  
 individualized health **care** plan FFAF  
 individualized services plan EHBAC  
 industrial development authorities GRA  
**infrastructure partnerships CDH**  
 information  
     access to district records BBE, GBAA  
     access to employee records BBE, DBA, DN, GBAA

    access to student records FL  
     demographic data CQ, GBA, GND  
 innovative programs EGA  
 inoculations FFAB  
 inspections  
     facility CS, CV  
     purchasing CHD  
     safety CKA  
 instructional arrangements EE-~~series~~, **EEA**, **EEB**, **EEC**, **EED**, **EEH**, **EEJ**, **EEL**, **EEM**, **EEP**  
 instructional contracts with outside agencies EEL, EHBAC  
 instructional day EC, EED  
 instructional facilities allotment CCA  
 instructional goals and objectives BQ-~~series~~, **BQA**, **BQB**, EA  
 instructional materials  
     **adoption of EFAA**  
     advertising materials, use of FMA  
     **allotment CMD**  
     **Braille EFAA**  
     **certification CMD**  
     **committee EFAA**  
     complaints concerning EFA  
     **conflict of interest BBFB, CMD, DBD**  
     **custodian CMD**  
     **condition of CMD**  
     control of CMD  
     copyrighted material ~~EFE~~**ECY**  
     curriculum guides EG  
     **destroyed CMD**  
     **distribution of CMD**  
     **electronic BBFB, CMD, EFAA**  
     **inventory CFB, CMD**  
     library, media center EFB  
     **open-source EFAA**  
     **ownership CMD**  
     **period of use EFAA**  
     **purchase CMD**  
     **rebates/commissions, accepting BBFB, DBD, EFAA**  
     **reports, forms to be completed for inventory CMD**  
     **responsibility for CMD, DG**  
     **requisitioning and responsibility for CMD**  
     **sale, disposal, or donation of CMD**  
     **samples and publisher contracts EFAA**  
     selection of **BBFB, DBD**, EFA, EFAA, EHAA  
     **supplemental CMD, EFAA**  
     **surplus CMD**  
     teaching plans EEP  
 instructional program (See also special programs)  
     disciplinary alternative education program FOCA  
     distance learning EHDE  
     elective instruction EHAD  
     evaluation of BQ, BQA, BQB, EHBD, GND  
     extended instructional program EHDD, EHDE  
         college course work EHDD  
         honors courses EIC, EIF  
         summer school EHDA  
         travel study EHBM  
     innovative and magnet programs EGA  
     organization of instruction ED  
     required instructional program  
         all levels EHAA  
         elementary EHAB  
         secondary EHAC  
 instructional resources  
     community EFC, GKE, GKF  
     field trips EFD, FMG  
     interactive television EFF  
     libraries/media centers EFB



instructional support services  
guidance program EJ, FFE  
health services FFA  
library, audio-visual center EFB  
school-community guidance program FFC  
special education programs EHBA-~~series~~, **EHBAA**,  
**EHBAB**, **EHBAC**, **EHBAD**, **EHBAE**  
instructional television EFF  
insurance  
adjustor and carrier CR  
change of coverage CR  
Consolidated Omnibus Budget Reconciliation Act (CO-  
BRA) CRD  
deductions/reductions from salary CFEA  
enrollment information CRD  
fire CRA  
Health Insurance Portability and Accountability Act  
(HIPAA) CRD  
health, life, disability CRD  
liability CRB  
school property CRA  
student FFD  
tax-sheltered annuities CFEA, CRG  
TRS-Active Care CRD  
unemployment CRF  
workers' compensation CRE, CV  
~~integrated planning process BQ, BQA, BOB~~  
intellectual property rights **CQ, DGC, EFECY**  
intensive math and science program EHBC  
interdistrict relations EHBA, FDA  
interlocal agreements CH, GR, GRB  
interlocal cooperation contracts GR, GRB  
internal auditor ~~BAA~~, CFC  
international baccalaureate program EIC, EIF  
Internet  
broadcast board meetings BE  
posting BBFA, BE, CHE, **CQA**, DBD, DC  
**use of, by board members BBI**  
use of, by employees/students CQ, **FNCE**  
intern program GNC  
interrogations and searches DHE, FNF, GRA  
interruption of classes EC, **GKA**  
interscholastic activities/athletics FM, FMF  
Interstate Compact on Educational Opportunity for Military  
Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL,  
FM  
intoxicants BBC, BJCF, DFBA, DFBB, DFCA, DH, DI, FNCF,  
FNF, FOC, FOD, FOF, GKA  
intramural sports FMF  
inventories CFB  
investments, bond sales CDA  
investments of school funds CDA  
intrastate pipeline emergency response plan CS

## - J -

job order contracts CVF  
JROTC program CG, EHAD, EIF  
junior colleges, high school credit program EHDD  
jurisdiction  
district, over students FO, FNC  
peace officers CKE  
jury duty DEC  
~~juvenile authorities GRA~~  
juvenile justice system FODA

juvenile case manager, compulsory attendance FED  
juvenile residential facilities EEM  
**juvenile service providers GRAC**

## - K -

key control CLA  
kindergarten  
acceleration EHDC  
eligibility FD  
instructional requirements EHAB  
progress reports EIA  
retention EIE  
school day EC  
knives FNCG, FOD, GKA

## - L -

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

state personal leave DEC  
 state sick leave DEC  
 temporary disability DEC  
 leaving campus, students  
   employment FEF  
   illness FEC, FFAC  
   lunch FEE  
   medical appointment FEB  
   parental permission FEB  
   private lessons FEF  
 legal services BDD  
 LEP (See Limited English Proficiency)  
 lesson plans EEP  
 liability  
   board members BBE, CRB  
   for damage to school property FNCB  
   insurance CRB  
   school personnel CRB, DG, DH, FFAC, FFG, FOE  
   volunteers GKG  
 liaison  
   court-related FFC  
   homeless FFC  
 libel FNAA, GKDA  
 library-media center  
   materials, complaints EFA  
   professional resources EFB  
   records and reports EFB  
   selection of materials EFA  
 lice FFAD  
 life insurance CRD  
 life skills programs EHAD  
 Limited English Proficiency (LEP) EHBC, EHBE, EIE, EKB, EKBA  
 limited open forum FNAB  
 line and staff relations BKB  
 line item transfers CE  
 litigation expenses CRB  
 lobbying (restrictions) CH, BBFB  
 Local Government Records Act CPC, GBA, GBAA  
 local government relations GRA  
 local tax revenues CCG  
 locker searches DHE, FNF  
 loitering GKA  
 loss control CK, CKA, CKB, CKC  
 loyalty oath BBB  
 LPAC (Language Proficiency Assessment Committee)  
   EHBE, EIE, EKBA  
 lunchroom maintenance CLB

## - M -

McKinney-Vento Homeless Education Assistance Improve-  
   ments Act of 2001 CNA, EHBD, FD, FDC, FFC  
 mail service CPAB  
 maintenance  
   bus maintenance CNBA  
   changes and alterations CLB  
 makeup work for students EIAB  
 manifestation determination (IDEA) EHBAD  
 married students FND  
 master teacher grants DEAA  
 maternity leave DEC, DECA, FNE  
 meal service CO, COB  
 media and service centers (regional) GNB  
 mediation (See complaints/grievances)

Medicaid FEB, FLA  
 medical examinations DBB, FFAA  
 medical insurance CRD, FFD  
 medical treatment FFAC  
 Medicare CFEA  
 medication FFAC  
 meeting notice  
   board of trustees BE  
   budget CE  
   closed (board) BEC  
   tax rate hearing CCG  
 meetings  
   board (See school board meetings)  
   budget CE  
   campus-level committee BQB  
   closed (board) BEC  
   community use of school facilities GKD  
   district-level committee BQA  
   emergency/regular/special (board) BE  
   faculty/staff DLA  
   juvenile justice board FODA  
   media coverage BE, BEE, GBBA  
   public complaints GF  
   special education (ARD/IEP) EHBA-series, EHBA, EHBAB, EHBAC, EHBAD, EHBAAE  
 memorials CDC, CW  
 mental health intervention FFB  
 mentoring EHBC, GKG  
 metal detectors FNF, GKA  
 microfilm CPC, GBAA  
 migrant student EHBD, EI  
 migratory child EEB, FD  
 mileage reimbursement BBG, BJCA, DEE  
 military  
   dependents FD, FDD  
   discharge records GBA  
   instruction (JROTC) CG, EEL, EHAD, EIF  
   leave CRD, DAA, DEC, DECA, DECB  
   recruiters FL, GKC  
 minerals, sale of BAA, CDB  
 minimal nutritional value CO, FFA  
 Minimum Foundation Program (See Foundation School Program)  
 minimum high school program EIF  
 minimum salary schedule DEAB  
 minimum teaching duties DL  
 minute of silence EC  
 minutes of board meetings BDAA, BE, BEC  
 mission statement, district AE  
 mobile telephones FNCE  
 modified duty DK  
 mold damage remediation CL, CRB  
 moment of silence EC  
 moonlighting DBD, DEC, DECA  
 moral turpitude BJCF, DFBB, DH  
 moving costs reimbursement DEB  
 multihazard emergency operations plan CKC  
 municipal government GRA  
 music program EHAD

## - N -

name, changing district AB  
 National Honor Society FG  
 National School Boards Association BC



National School Lunch Program COB  
 NCLBA (See No Child Left Behind)  
 neighborhood associations GKE  
 neighborhood schools FC  
 nepotism BBFB, CCH, DBE  
 new facilities, naming/dedication CW  
 new hire reporting DC  
 news conferences and interviews GBBA  
 news coverage  
   board meetings BE, BEE, GBBA  
   broadcasting and taping board meetings BE, BEC  
   news media relations/news releases GBBA  
   sports and special events GBBA  
 newspaper, school distribution of FMA  
 night school EHBI, FP  
 No Child Left Behind (NCLBA)  
   adequate yearly progress (AYP) AID, EHBD  
   highly qualified DBA, DK, EHBD  
   migratory child EEB  
   parent involvement BQ  
   recruiters FL, GKC  
   school restructuring AIC, EHBD  
   student/parent rights EF  
   technology CQ  
 noncertified personnel DBA, DC, DCD, DCE  
 noncontract employment DC, DCD  
 nondiscretionary personal leave DEC  
 nondiscrimination CS, DAA, DAB, DAC, DIA, FB, FFH, GA  
 noninstructional school activities FNAB  
 nonprinted materials and services EFB  
 nonprofit organizations FJ, GE, GKD  
 nonpublic information GBA  
 nonrenewal, term contract BJCF, DFBB, DFFB, DFD  
 nonresident students FD, FDA  
 nonservice animals EMG  
 nonschool employment DBD  
 nonschool literature FNAA, GKDA  
 No Pass, No Play FM  
 note and bond payments CCA, CCF  
 notice of position openings DC  
 notice to newspaper GC  
 notice to parents re uncertified substitutes DK, DPB, EHBD  
 notice to SBEC BJCE, DF, DFAA, DFBA, DH

## - O -

oath of office BBB  
 objective criteria for personnel decisions DABDAC  
 obscenity DH, FMA, FNCA  
 observation days EHBK  
 office management  
   communications CPA  
   computer technology BBI, CQ, EFECY  
   mail delivery CPAB  
   printing CPA  
   records and reports CPC, GBA  
   telephone CPAC  
 officer  
   attendance FED  
   board of trustees BDAA  
   budget BJA, CE  
   peace officer CKE  
   death while on duty DEB  
   public information (records) CPC, GBA  
   public information coordinator GBAA

records management CPC  
 offsetting paid leave benefits CRE, DEC  
 open campus FEE  
 open enrollment FDB  
 open-enrollment charter school AH  
 open meetings BDB, BE, BED  
 open records (See Public Information Chapter of Government Code)  
 operations, maintenance CLB  
 organization  
   administrative BJA  
   board of trustees BDAA  
   line and staff relations BKB  
 organization charts BKA  
 organization of grade levels ED  
 organizations  
   booster clubs GE  
   parent organizations GE  
   personnel DGA, DGB  
   relations with community GKE, GKF  
   relations with educational entities GNA, GNB, GNC, GND  
   relations with governmental entities GR, GRA, GRAA, GRAC  
   student FM, FNAB, FNCC  
 orientation/training  
   board members BBD  
   employees DMA  
   substitutes DPB  
 other schools and/or districts, relations with FD, FDA, GNA  
 outside agencies, instructional contracts with EEL  
 outside employment ~~EDB~~DBD, DEC, DECA  
 overtime DEA, DEAB

## - P -

paging devices FNCE  
 paperwork reduction BAA, DLB, GND  
 paraprofessional personnel  
   certification, highly qualified DBA, EHBD  
   dismissal DCD  
   hiring DC, DCD  
   reasonable assurance of re-employment CRF  
 parent advisory committee BDF, BQA, BQB, EHAA, GE  
 parent involvement  
   campus-level planning committee BQB  
   conferences EIA  
   discipline management FNC, FO, FOC, FOCA, FOD, FODA, FOE  
   district-level planning committee BQA  
   No Child Left Behind EHBD  
   school-parent compact EHBD  
   special education EHBA-series, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE  
   wellness EHAA, FFA  
 parent notification DBA, DK, DPB, EHBD  
 parental rights (See also students: rights and responsibilities)  
   access to board meetings BE, FNG  
   access to instructional materials EF, EHAA, FNG  
   access to student records FL  
   consent to counseling of student FFE  
   exempt student from instruction EHA, EHAA, FNG  
   student placement FDB, FNG  
 parenting and paternity awareness program EHAC

parking controls CLC, FFFD  
~~parliamentarian BE~~  
 parochial schools FD  
 partnership, school/community GKE  
 part-time employees CRD, DC, DCD, DEC, DPB  
 pass/fail courses EHAD  
**patents CY**  
 patriotic societies GKD  
 payment procedures CHF  
 payroll procedures  
     salary deductions/reductions CFEA  
     schedule CFE  
 peace officers CKE, DEB  
 pediculosis FFAD  
 PEG (See public education grants)  
 PEIMS (See Public Education Information Management System)  
 performance bonds CV  
 performance report AIB, BR, ~~BRB~~CQA, GND  
 performances, student FME  
 permits  
     lunch FEE  
     student work FEF  
     teaching, issued by school district DBA  
     visitors GKC  
 persistently dangerous FDE  
 personal graduation plan EIF  
 personal leave DEC  
 personal property  
     disposal CI  
     purchases CH  
 personnel  
     complaints DGBA  
     conduct DH, DHE, DIA  
     gifts and solicitations DBD, DHA  
     involvement in decision making BQ, BQA, BQB  
     **objective criteria DAC**  
     records  
         confidential, access to BBE, DBA, **FL**, GBAA  
         credentials DBA  
         custodian of DBA, **FL**, GBA, GBAA  
         requests for copies GBAA  
     welfare DI  
 personnel-student relations DH, DIA, FFH  
 pest control program CLB, DI, FD, GB  
 petition for student transfer ~~FDA, FDAA, FDB, FDE~~ (See also No Child Left Behind) **FDA, FDAA, FDB, FDE**  
 petitions DG, FNAA, GKDA  
 petty cash accounts CHB  
 phones, cellular CPAC, FNCE  
 physical education  
     exemptions EHAC, EIF  
     requirements EHAB, EHAC, EHAD, EIF  
     student-to-teacher ratios EEB  
     substitute courses EIF, **EHAC**  
 physical examination DBB, FFAA  
 physical fitness assessment FFAA  
 physical restraint, student FO, FOF  
 pilot projects EGA  
 placement  
     in alternative setting FOC  
     of home-school students FD  
     of transferred expelled students FDA  
     of transfer students FDA  
 placement review committee FOA, FOD  
 plagiarism EIA  
 planning and preparation time DL  
 planning process BQ, BQA, BQB

playgrounds CS  
 pledge of allegiance EC  
 police on school premises CKE, GKA, GRA  
 policy system  
     attorney involvement BDD  
     community involvement BF  
     development, adoption, amendment, distribution, review BF  
     implementation through regulation BP, **FN**  
     staff involvement BQA, BQB  
     student involvement FNB  
 political activities BBB, BBBB, DGA, GKD  
 political advertising BBBB, CCA, CPAB, GKB  
 political organizations GR  
 politics, participation in DGA, DH  
 pool drains CL  
 portable buildings CS  
 possession/use, alcohol and drugs DH, DHE, DI, FNCF, FOA, FOCA, FOD, FOE, FOF, GKA  
**postings, required web site CQA**  
 postsecondary instructional program FP  
 power of attorney FD  
 practice teaching GNC  
 prayer DMA, EC, EMI, FMH, FN, FNA, FNAB  
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severance BJCE  
termination BJCE, BJCF  
supervision  
facility expansion project CV, ~~CVC~~ **CVA, CVB, CVC, CVD, CVE, CVF**  
of students FFFA  
supplemental duties ~~DEA~~ **DEAA**, DK  
supplementary materials selection and adoption EFA, EFAA  
supplies CM, CMB, CMD  
support staff  
assignment DK  
compensation DEA, **DEAB**  
complaints DGBA  
development opportunities DMA  
dismissal DCD, DCE  
employee organizations DGA, DGB  
evaluation DN  
exempt/nonexempt DEA, **DEAB**  
expense reimbursement DEE  
filling vacancies DC  
fringe benefits DEB  
health examinations DBB  
hiring DC, DCD, DCE  
in-service training DMA  
insurance CRD  
jury duty DEC

leaves and absences DEC  
meetings DLA  
noncontractual DC, DCD  
nonschool employment DBD  
orientation DC, DMA, DPB  
overtime pay (nonexempt) DEA, **DEAB**  
paid holidays DED  
part-time and temporary employment DPB  
recruitment DC  
resignation DCD, DFE  
retirement DEG  
rights and privileges DG, DGA, DGB, DGBA  
salary deductions/reductions CFEA  
~~salary schedule-DEA~~  
standards of conduct DH  
staff development/orientation DMA  
suspension DCD  
termination of employment DCD, DCE  
transfer DK  
vacations DED  
work schedules DEA, DK  
surety bonds CG  
surplus property  
personal CI  
real CDB  
surrogate parents EHBAD  
surveys of students EF, **FFAA**  
suspension  
of employees  
back pay DFBA  
under continuing contract DFCA  
not under contract DCD  
under probationary contract DFAA  
under term contract DFBA  
with or without pay DFAA, DFBA, DFCA  
of policies BF  
of students  
from bus riding FFFF  
from extracurricular activities FM, FO  
from school FOB

- T -

taping of board meetings BE, BEC  
tardiness FEC  
TAKS (**See** Texas Assessment of Knowledge and Skills)  
~~EIE, EIF, EKB, FMH~~  
task forces, community GK  
tax  
abatement CCG  
ad valorem CCG  
anticipation notes CCF  
assessor/collector  
bonding of CG  
duties and requirements BDAF  
collection BDAF, CCG  
deposit BDAF  
**disabled veterans CCG**  
exemption CCG  
funds revenue source CCG  
hearings CCG  
increment CCG  
rolls BDAF, CCG  
taxation authorities relations GRA  
tax-sheltered annuities CRG

TB screening (See tuberculosis screening)  
 TEA ([See](#) Texas Education Agency), relations with ~~GNE~~  
 Teach for Texas Grant EJ  
 teacher aides (paraprofessionals) DBA, EHBD  
 teacher appraisal DNA  
 teacher associations DGA, DGB  
 teacher contracts DC, DCA, DCB, DCC, DCE  
 teacher education program GNC  
 Teacher Protection Act of 2001 BBE, DH  
 Teacher Retirement System (TRS) CFEA, CRD, CRG, DC,  
 DEA, [DEAB](#)  
 teacher-student ratios EEB  
 teaching  
     academic freedom EMA  
     controversial issues EMB  
     student teaching and internship GNC  
 teaching day, length of DL, EC  
 teaching permit, district-issued DBA  
 team building BBD, BJCB  
 technology [BBI](#), CQ, [CY](#), DH, EFB, ~~EFE~~, EHBFB  
 TEKS (Texas Essential Knowledge and Skills) EHAA, EIE  
 telecommunications devices CPAC, DH, FNCE  
 telephone use CPAC, DH  
 television, instructional EFF  
 temporary disability leave DEC  
 temporary personnel DC, DPB  
 term contracts  
     employment practices DC, DCB  
     nonrenewal DFBB  
     reduction in force DFF, [DFFA](#)  
     resignation DFE  
     suspension DFBA  
     termination during year DFBA  
 termination, personnel DCD, DCE, DF, [DFA](#), DFAA, DFAB,  
[DFAC](#), [DFB](#), DFBA, DFBB, [DFC](#), DFCA, DFD, DFE,  
[DFF](#), [DFFA](#), [DFFB](#), [DFFC](#)  
 tests  
     administration of EIE, EK, EKB, EKBA, EKC  
     competency, student EIE, EIF, EKB  
     credit by examination EHDB, EHDC  
     dyslexia EHB  
     exams for acceleration EHDC  
     parental review EF, FNG  
     selection and adoption EK  
     testing program EK, EKB, EKBA, EKC, EKD  
     use and dissemination of test results AI-~~series~~, [AIA](#), [AIB](#),  
[AIC](#), [AID](#), BR, EKB, GBA  
[Texas Assessment of Knowledge and Skills \(TAKS\) EIE](#),  
[EIF](#), [EKB](#), [FMH](#)  
 Texas Economic Development Act CCG  
[Texas Education Agency \(TEA\), relations with GNE](#)  
[Texas Juvenile Justice Department \(TJJD\) EEM, FD](#)  
 Texas Open Meetings Act (TOMA) (See open meetings)  
 Texas School Safety Center BR, CK, CS  
 Texas Virtual School Network (TxVSN) EHDE  
~~Texas Youth Commission FD~~  
 textbooks ([See instructional materials](#))  
     adoption of EFAA  
     annual inventory CFB, CMD  
     book identification CMD  
     Braille EFAA  
     committee EFAA  
     conflict of interest BBFB, CMD, DBD  
     conforming and nonconforming list EFAA  
     custodian CMD  
     destroyed CMD  
     distribution or donation of CMD  
     district owned CMD

~~electronic BBFB, CMD, EFAA~~  
~~local selection DBD, EFAA~~  
~~open source textbooks EFAA~~  
~~period of use EFAA~~  
~~rebates/commissions, accepting DBD, EFAA~~  
~~reports, forms to be completed for inventory CMD~~  
~~requisitioning and responsibility for CMD~~  
~~sale of CMD~~  
~~samples and publisher contracts EFAA~~  
~~selection challenge EFA~~  
~~selection process EFAA~~  
~~state textbooks CMD~~  
~~surplus CMD~~  
 ticket sales CDG, CFD  
 time warrants CCB  
 Title I EHBD  
 Title V FOC  
 Title VII DAA, DIA  
 Title IX  
     employees  
         coordinator DIA  
         grievance procedures DGBA, DIA  
         rights and responsibilities DAA, DH, DIA  
     students  
         coordinator FB, FFH  
         grievance procedures FB, FFH, FNG  
         rights and responsibilities FB, FFH  
[TJJD \(See Texas Juvenile Justice Department\)](#)  
 tobacco use/prohibition DH, FNCD, GKA  
 TOMA (Texas Open Meetings Act) (See open meetings)  
 top ten percent EIC  
 tornado warnings CKC  
 tournaments FMF  
[trademarks CY](#)  
 traffic and parking controls CLC  
 training  
     administrator appraisal BJCD, DNB  
     board member BBD  
     investment officer CDA  
     safety CK, DH  
     staff development DMA  
 transcripts and permanent records, fees for copies FL  
 transfer  
     at-risk students FDA, FDAA  
     criteria FDA, FDAA, FDB  
     [due to bullying FDB](#)  
     expelled students FD, FOD  
     factors FDA  
     interdistrict FDA  
     intradistrict FDB  
     of leave DEC  
     from low-performing schools FDAA  
     personnel DK  
     petition, students FDAA, FDB  
     revocation of transfer FDA  
     school safety FDE  
     students EHBB, FD, FDA  
     tuition EHBG, FDA  
 transportation  
     bus driver credentials DBA  
     bus maintenance CNB, CNC  
     contract with public companies CNA  
     cost of special/field trips CNB, EFD  
     designation of hazardous routes CNA  
     eligible students CNA  
     monitoring behavior on buses FO  
     safety of students CNC  
     special use of school buses CNB

- state reimbursement CNA
- student conduct on buses FO
- students with disabilities CNA
- travel
  - expense reimbursement BBG, BJCA, DEE
  - in-district expenses DEE
  - mileage reimbursement BBG, DEE
  - for professional development DMC
  - student FMG
  - UIL travel FMF
- travel study program EHB
- trespassing
  - assistance of local law enforcement agencies GKA
  - prohibited GKA, GKC
- trips
  - extracurricular FMG
  - field EFD
  - professional DMC, DMD
  - reimbursement for BBG, BJCA, DEE
  - student FMG
  - use of district vehicles CNB
  - UIL FMF, FMG
- truancy FEA, **FED**
- truancy prevention measures FED**
- tuberculosis screening DBB, FFAA, GKG
- tuition
  - attendance reporting FDA, FDAA
  - exemption for employees' children FDA
  - exemption for foreign students FD
  - nonresident students FDA
  - prekindergarten students EHBG
  - summer school FDA
  - waiver FDA, FP
- tutorial program EHBC
- tutoring for pay DBD
- TxVSN (See Texas Virtual School Network)

## - U -

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

## - V -

- vacancies
  - board member BBC
  - school personnel DC
- vacations
  - personnel DED
  - school vacations EB
- vaccinations FFAB

- valedictorian/salutatorian awards EIC, FG
- vandalism
  - emergency measures CLA
  - prohibited FNCB
  - reporting incidents CLA
- vehicle identification insignia CLC, CNB
- vehicle parking control CLC, FFFD
- vehicles owned by district CNB
- vending machines CFD, COC, FFA
- ~~vendor list CH, CV~~
- vendor relations CHE, GKC
- veterans **CCG**, DAA, DEC
- videoconference call (board meetings) BE
- videotaping/monitoring
  - board meetings BE, GBBA
  - conduct on school buses, in buildings FO
  - students, with parental consent FNG
  - students, without parental consent EHA, FM, FO
- Virginia Graeme Baker Pool and Spa Safety Act CL
- virtual school network (See Texas Virtual School Network)
- vision statement, district AE
- visitations DMD
- visitors
  - campus security CLA
  - law enforcement **and other** agencies GRA
  - permits GKC
  - professional GKC, GNC
  - students leaving with FFFA
- visual materials, depiction of minors FFF**
- vocational education contracts EEL
- vocational program EEL, EHAC, EIF
- volunteers
  - criminal history record check DC, GKG
  - immunity from liability GKG
  - school volunteer program GKG
  - student volunteers FH
  - TB screening GKG
- voting
  - at board meetings BE
  - election of board officers BDAA

## - W -

- wages CV, DEA, **DEAB**
- waivers
  - fees FP
  - insurance FFD
  - planning BQA, BQB
  - policy BF
- walkers and riders, bus CNA
- warehousing CMA
- warning systems CKC
- warrants, money CCB
- warrants for student arrest GRA
- weapons DH, EHAD, FNCG, FOD, FOF, GKA
- web site postings ~~BRB~~ **CQA**
- weighted grades EIC
- welfare authorities relations GRA
- welfare, employee DI
- welfare, student FFA, FFB, FFC, FFD, FFE, FFF, FFG
- wellness BDF, EHAA, FFA
- whistleblower complaints DG, DGBA
- withdrawal, student FD, FEA
- witnesses in expulsion hearings FOD
- work calendars DEA, DK

workers' compensation  
    coordination with paid leave benefits CRE, DEC  
    indefinite absence CRE  
    required for construction contractor CV  
work load DL  
work schedules DK  
workshops, board members BBH  
work strikes/stoppages DGA  
work-study employment EHAD  
written expression, student FMA, FNA, FNAA

**- X - Y - Z -**

yearbooks FMA  
year-round schools EB  
zoning authorities relations GRA

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

## SECTION A: BASIC DISTRICT FOUNDATIONS

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



DISTRICT NAME

AB  
(LEGAL)

CHANGE OF DISTRICT  
NAME

A board, by resolution, may change the name of the district. The board shall give notice of the change by sending to the Commissioner a copy of the resolution, attested by the president and secretary of the board.

The district, under its changed name, is considered a continuation of the district, as formerly named, for all purposes.

*Education Code 11.160*

NEW POLICY





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## SECTION B: LOCAL GOVERNANCE

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

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## SECTION B: LOCAL GOVERNANCE

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

See the following pages for forms that may be used for compliance with disclosure requirements.

Exhibit A: Affidavit Disclosing Substantial Interest in a Business Entity or Real Property, as defined in Local Government Code 171.002 — 2 pages

Exhibit B: Affidavit Disclosing Interest in Property, under Government Code Chapter 553, Subchapter A — 2 pages

ADDITIONAL DISCLOSURE: The conflicts disclosure statement required of members of the Board and the Superintendent by Local Government Code 176.003—.004 is available on the Texas Ethics Commission Web site at <http://www.ethics.state.tx.us>.

DELETE EXHIBIT

DELETE EXHIBIT

EXHIBIT A

AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST  
IN A BUSINESS ENTITY OR REAL PROPERTY

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (*name*), as a local public official of  
\_\_\_\_\_ SD, make this affidavit and hereby on oath state the following:  
I, or a person(s) related to me in the first degree, have a substantial interest in:

☐ a business entity, as those terms are defined in Local Government Code Sections 171.001–171.002, that would experience a special economic effect distinguishable from its effect on the public by a vote or decision of the Board.

or

☐ real property for which it is reasonably foreseeable that the Board's action or my action will have a special economic effect on the value of the property distinguishable from its effect on the public.

The business entity or real property is (*name/address of business or description of property*):

\_\_\_\_\_  
\_\_\_\_\_ (*"I" or name of relative and relationship*) (have)(has) a substantial interest in this business entity or real property as follows: (*check all that apply*)

- ☐ Ownership of ten percent or more of the voting stock or shares of the business entity.
- ☐ Ownership of ten percent or more of the fair market value of the business entity.
- ☐ Ownership of \$15,000 or more of the fair market value of the business entity.
- ☐ Funds received from the business entity exceed ten percent of \_\_\_\_\_ (*my, her, his*) gross income for the previous year.
- ☐ Real property is involved and \_\_\_\_\_ (*I, she, he*) (have)(has) an equitable or legal ownership with a fair market value of at least \$2,500.

The statements contained herein are based on my personal knowledge and are true and correct.

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(EXHIBIT)

Upon the filing of this affidavit with the Board's Secretary, I affirm that I shall abstain from participation in any decision involving this business entity or real property, unless permitted according to Local Government Code 171.004(c).

Signed this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

Signature of official \_\_\_\_\_

Title \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_ (month),  
\_\_\_\_\_ (year).

\_\_\_\_\_, Notary Public in and for the State of Texas

EXHIBIT B

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (*name of affiant*), (*check one of the following*)

\_\_\_\_\_ as an officer of, or

\_\_\_\_\_ as a Board candidate for,

\_\_\_\_\_ SD make this affidavit and hereby on oath state the following:

I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation.

The property is fully described as follows:

\_\_\_\_\_.

The nature, type, and amount of interest, including percentage of ownership, I have in the property is:

\_\_\_\_\_.

I acquired my interest in the property on \_\_\_\_\_ (*date*).

I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ (*month*), \_\_\_\_\_ (*year*).

Signature of affiant \_\_\_\_\_

Office or public title \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, \_\_\_\_\_ (*here insert the name and character of the officer administering the oath*) on this day personally appeared \_\_\_\_\_ (*affiant*) known to me (or proved to me on the oath of \_\_\_\_\_ or through \_\_\_\_\_ [*description of identity card or other document*]) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_  
(month), \_\_\_\_\_ (year).

\_\_\_\_\_, Notary Public in and for the State of Texas

**NOTE:** *This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant resides within ten days before the date on which the property is to be acquired by purchase or condemnation.*



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## SECTION C: BUSINESS AND SUPPORT SERVICES

CA	FISCAL MANAGEMENT GOALS AND OBJECTIVES
CAA	Financial Ethics
CB	STATE AND FEDERAL REVENUE SOURCES
CBA	State
CBB	Federal
CC	LOCAL REVENUE SOURCES
CCA	Bond Issues
CCB	Time Warrants
CCC	Certificates of Indebtedness
CCD	Recreational Facilities Bonds
CCE	Athletic Stadium Authority
CCF	Loans and Notes
CCG	Ad Valorem Taxes
CCH	Appraisal District
CD	OTHER REVENUES
CDA	Investments
CDB	Sale, Lease, or Exchange of School-Owned Property
CDBA	Revenue Bonds From Proceeds
CDC	Grants From Private Sources
CDD	Rentals and Service Charges
CDE	Shop Sales
CDF	Royalties
CDG	Gate Receipts, Concessions
CDH	Public and Private Facilities
CE	ANNUAL OPERATING BUDGET
CEA	Financial Exigency
CF	ACCOUNTING
CFA	Financial Reports and Statements
CFB	Inventories
CFC	Audits
CFD	Activity Funds Management
CFE	Payroll Procedures
CFEA	Salary Deductions and Reductions
CFF	Checking Accounts
CFG	Cash in School Buildings
CG	BONDED EMPLOYEES AND OFFICERS

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## SECTION C: BUSINESS AND SUPPORT SERVICES

CH	PURCHASING AND ACQUISITION
CHB	Petty Cash Account
CHD	Purchasing Procedures
CHE	Vendor Relations
CHF	Payment Procedures
CHG	Real Property and Improvements
CHH	Financing Personal Property Purchases
CI	SCHOOL PROPERTIES DISPOSAL
CJ	CONTRACTED SERVICES
CJA	Criminal History
CK	SAFETY PROGRAM/RISK MANAGEMENT
CKA	Inspections
CKB	Accident Prevention and Reports
CKC	Emergency Plans
CKD	Emergency Medical Equipment and Procedures
CKE	Security Personnel/Peace Officers
CL	BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
CLA	Security
CLB	Maintenance
CLC	Traffic and Parking Controls
CLD	Records and Reports
CLE	Flag Displays
CM	EQUIPMENT AND SUPPLIES MANAGEMENT
CMA	Receiving and Warehousing
CMB	Authorized Uses of Equipment and Supplies
CMD	Instructional Materials Care and Accounting
CN	TRANSPORTATION MANAGEMENT
CNA	Student Transportation
CNB	District Vehicles
CNBA	Bus Maintenance
CNC	Transportation Safety
CO	FOOD SERVICES MANAGEMENT
COA	Food Purchasing
COB	Free and Reduced-Price Food Program
COC	Vending Machines

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## SECTION C: BUSINESS AND SUPPORT SERVICES

CP	OFFICE MANAGEMENT
CPA	Office Communications
CPAA	Printing and Duplicating
CPAB	Mail and Delivery
CPAC	Telephone
CPC	Records Management
CQ	TECHNOLOGY RESOURCES
CQA	District, Campus, and Classroom Web Sites
CR	INSURANCE AND ANNUITIES MANAGEMENT
CRA	Property Insurance
CRB	Liability Insurance
CRD	Health and Life Insurance
CRE	Workers' Compensation
CRF	Unemployment Insurance
CRG	Deferred Compensation and Annuities
CS	FACILITY STANDARDS
CT	FACILITIES PLANNING
CV	FACILITIES CONSTRUCTION
CVA	Competitive Bidding
CVB	Competitive Sealed Proposals
CVC	Construction Manager-Agent
CVD	Construction Manager-At-Risk
CVE	Design-Build
CVF	Job Order Contracts
CW	NAMING FACILITIES
CX	RENTING OR LEASING FACILITIES FROM OTHERS
CY	INTELLECTUAL PROPERTY



SAFETY PROGRAM/RISK MANAGEMENT  
INSPECTIONS

CKA  
(LEGAL)

ASBESTOS HAZARD  
EMERGENCY  
RESPONSE ACT

Under the Asbestos Hazard Emergency Response Act (AHERA), a district shall identify asbestos-containing materials and implement an appropriate management plan in a timely manner. *40 CFR 763.80*

DUTIES

A district shall ensure that:

1. All persons who perform inspections, reinspections, and periodic surveillance, who develop and update management plans, and who develop and implement response actions comply with federal and state law.
2. All custodial and maintenance employees are trained as required by law.
3. Workers and building occupants, or their legal guardians, are informed annually about inspections, response actions, and post-response action activities.
4. Short-term workers who may come in contact with asbestos in a school are informed of the locations of "asbestos-containing building material" (ACBM) and suspected ACBM assumed to be "asbestos-containing material" (ACM).
5. Warning labels are posted in accordance with 40 CFR 763.95 (see WARNING LABELS, below).
6. Management plans are available for inspection, and notice of their availability has been provided as specified in the management plan under 40 CFR 763.93(g).
7. An asbestos coordinator, trained in accordance with 40 CFR 763.84(g)(2) is designated to ensure that legal requirements are met.
8. Any conflict of interest that may arise among accredited asbestos personnel is considered, especially when selecting accredited personnel.

*40 CFR 763.84*

MANAGEMENT  
PLAN

An asbestos management plan shall be developed for each school and submitted to the Texas Department of State Health Services (TDSHS) for approval. This plan shall be developed by an accredited management planner who may be required to sign a statement that the plan is in compliance with federal asbestos regulations. The plan shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

2. Specific information about inspections conducted before December 14, 1987.
3. Specific information about required inspections and reinspections.
4. The name, address, and telephone number of the designated asbestos coordinator and details of his or her required training. The plan must also contain a true and correct statement signed by the coordinator certifying that the general district responsibilities have been met.
5. The written recommendations on response actions from a district's accredited asbestos management planner(s), including the name, signature, state of accreditation, and accreditation number, if applicable, of each planner.
6. A detailed description of preventive measures and response actions to be taken.
7. In regard to asbestos inspectors and persons who design or carry out response actions, a statement that a district uses or will use person(s) who have been accredited by an Environmental Protection Agency (EPA)-approved course **and licensed by TDSHS**.
8. A detailed description of any material described in item 1 of this list that remains after the response actions are taken. The description shall be updated when response actions are completed.
9. A reinspection plan for operations and maintenance activities, a plan for periodic surveillance, a description of the management planner's recommendation regarding additional cleaning, and a district's response.
10. A description of steps taken to inform workers and building occupants or their legal guardians about inspections, reinspections, response actions, post-response action activities, and the availability of management plans.
11. An evaluation of resources needed to complete the response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.
12. The name of each consultant contributing to the plan and a statement that the consultant is accredited under another state's accreditation plan or accredited by an EPA-approved course.

SAFETY PROGRAM/RISK MANAGEMENT  
INSPECTIONS

CKA  
(LEGAL)

PLAN AVAILABILITY	<p>A copy of the plan submitted to TDSHS shall be kept in a district's administrative office and be available for inspection by the EPA, the state, and the public, including teachers, school personnel, employee representatives, and parents.</p> <p>Updated management plans for each school shall also be available for inspection during normal business hours in the administrative office and at the school itself. Individual school plans shall be made available for inspection within at least five working days after a request is received.</p>
NOTICE	<p>Annually, a district shall notify in writing parent, teacher, and employee organizations of the availability of the management plans.</p> <p><i>40 CFR 763.93; <b>Occupations Code 1954.101</b></i></p>
INSPECTIONS	<p>Each building leased, owned, or used as a school building shall be inspected to determine the locations of friable and nonfriable ACBM. At least once every three years after a management plan is in effect, a district shall conduct reinspections. Inspectors shall collect samples of suspected ACBM material for analysis. The inspector shall provide a written assessment of all friable known or assumed ACBM in the school building for each inspection or reinspection. The assessment shall meet all legal requirements and shall be signed and dated, with the inspector's accreditation information. A copy shall be sent to the coordinator for inclusion in the management plan within 30 days. <i>40 CFR 763.85, .88</i></p>
PERIODIC SURVEILLANCE	<p>At least once every six months after the management plan is in effect, a district shall conduct and document periodic surveillance on any school building containing ACBM or assumed to contain ACBM. A record of this surveillance shall be submitted to the coordinator for inclusion in the management plan. <i>40 CFR 763.92(b)</i></p>
RESPONSE ACTIONS	<p>A district shall select and implement, consistent with the assessment, the least burdensome method of appropriate response actions from those that protect human health and the environment. <i>40 CFR 763.90</i></p>
ASBESTOS- RELATED ACTIVITY	<p>An "asbestos-related activity" means the removal, encapsulation, or enclosure of asbestos; the performance of asbestos surveys; the development of management plans or response actions; the collection or analysis of asbestos samples; sponsorship of training courses necessary for asbestos licensure or registration; the transportation of ACMs from any facility for purposes of disposal; and any other activity required to be licensed under the Texas Asbestos Health Protection Act. <i>Occupations Code 1954.002, .101</i></p> <p>An asbestos-related activity shall be performed by a person (an individual, organization, or other legal entity recognized by law as</p>

the subject of rights and duties) licensed by TDSHS. TDSHS shall be notified not less than ten working days before an asbestos-related activity is initiated. *Occupations Code 1954.252, .101; 25 TAC 295.61*

RECORDS

A district licensed to perform asbestos-related activities shall keep an appropriate record or records of each activity it performs in public buildings and shall make the record(s) available to TDSHS at any reasonable time. It shall also keep a copy of any violations issued against a district by the EPA or TDSHS. Records shall be maintained for at least 30 years, or as long as required by federal law or regulation. *Occupations Code 1954.251; 25 TAC 295.58(d)*

For each area where all ACM has been removed, the required records shall be maintained for at least three years after each required reinspection or its equivalent in both the school and the central administration office. *40 CFR 763.94*

WARNING LABELS

A warning label shall be attached adjacent to any friable and nonfriable ACM and suspected ACM assumed to be ACM located in routine maintenance areas at each school building. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACM that is labeled is removed. *40 CFR 763.95*

OPERATIONS /  
MAINTENANCE  
TRAINING

Members of the maintenance and custodial staff in buildings containing ACM shall receive required training, including at least two hours of awareness training and an additional 14 hours of required training if their work activities may result in the incidental disturbance of ACM. *40 CFR 763.92*



COMMERCIAL INSURANCE PLANS	A district may procure contracts with any insurance company authorized to do business in Texas to insure its employees. Policies may include group health, accident, accidental death and dismemberment, disability income replacement, and hospital, surgical, and/or medical expense insurance, or a group contract providing for annuities. Dependents of employees may be insured under group policies which provide hospital, surgical, and/or medical expense insurance. <i>Insurance Code 3.51</i>
EXCEPTION	A district that participates in the uniform group coverage program established under Insurance Code Article 3.50-7 may not procure or renew commercial health insurance coverage after the uniform group coverage is implemented in the district. <i>Insurance Code 3.51(b)</i> [See CRD]
PREMIUM PAYMENTS	Any portion of the commercial insurance premiums paid by a district shall be from local, not state, funds. <i>Insurance Code 3.51(b)</i>  <del>Contributions made by employees</del> <b>A district may be</b> <del>deducted</del> <b>deduct</b> from <b>an employee's</b> salary <del>payments when the</del> <del>employee has</del> <b>employee's contribution for the premiums if</b> au- thorized <del>such deduction</del> <b>to do so in writing by that employee.</b> <i>Insurance Code 1131.303(c)</i>
SELF-INSURANCE BONDS	A district may issue bonds, certificates, notes, and other obligations, the proceeds of which shall be used for all or any portion of a self-insurance fund to protect the district and its officers, employees, and agents from any insurable risk or hazard, or use any funds or money available to the district for the self-insurance fund. If a district desires to issue bonds payable from ad valorem taxes for this purpose, it shall comply with the requirements of Education Code 45.003. <i>Gov't Code 2259.031</i>
DESIGNATED BROKER OF RECORD	A district may not use a designated broker of record to purchase insurance contracts with premiums of an aggregate value of \$10,000 or more for each 12-month period. If a district expends less than \$10,000, in the aggregate, on insurance premiums for each 12-month period, the district may use a designated broker of record to purchase insurance contracts, but the board shall ensure that the use of a designated broker of record is in the district's best interest and select a designated broker of record in a manner it determines is consistent with good business management. <i>Atty. Gen. Op. JC-0205 (2000)</i>
RISK-RETENTION GROUPS	A district may become a member of a risk retention group or purchasing group created under the Federal Liability Risk Retention Act of 1986 for the purpose of obtaining insurance against any insurable risk. <i>Gov't Code 2259.061</i>



OPTIONS	<p>A district shall extend workers' compensation benefits to its employees by choosing one of the following options:</p> <ol style="list-style-type: none"><li>1. Becoming a self-insurer.</li><li>2. Providing insurance under workers' compensation insurance contracts or policies.</li><li>3. Entering into interlocal agreements with other political subdivisions providing for self-insurance.</li></ol> <p><i>Labor Code 504.011</i></p>
DEFINITION	<p>For the purposes of this policy, "employee" means every person in the service of a district who has been employed as provided by law or for whom the district provides optional coverage. No person paid on a basis other than by the hour, day, week, month, or year shall be considered an "employee." <i>Labor Code 504.001, 504.014</i></p>
NOTICE	<p>A district shall notify the Texas Department of Insurance (TDI) of the method by which district employees shall receive benefits, the approximate number of employees covered, and the estimated amount of payroll. Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given a district's employees. <i>Labor Code 504.018</i></p>
REPORT TO CARRIER FIRST REPORT OF INJURY	<p>A district shall provide to the district's insurance carrier a report on each:</p> <ol style="list-style-type: none"><li>1. Death;</li><li>2. On-the-job injury that results in an employee's absence from work for more than one day; and</li><li>3. Occupational disease of which the district has received notice of injury or has knowledge. "Knowledge" means receipt of written or verbal information regarding diagnosis or diagnosis through examination or testing by a doctor employed by the district.</li></ol> <p>The report shall contain the information and be in the form, format, and manner prescribed by the TDI, and be filed no later than the eighth day after the employee's absence from work for more than one day or upon first knowledge of absence for more than one day. A district shall maintain a record of the date the report of injury is filed with the insurance carrier.</p>
COPY TO EMPLOYEE	<p>A copy of the report of injury, including a summary of the employee's rights and responsibilities under the Texas Labor Code, shall be sent to the injured employee at the time the report is filed with the insurance carrier. The summary shall be written in plain lan-</p>

	<p>guage in English and Spanish, or in English and any other language common to the employee, and shall contain the words prescribed by the TDI.</p>
NOTICE OF MODIFIED DUTY PROGRAM	<p>A district shall, on the written request of the employee, a doctor, the insurance carrier, or the TDI, notify the employee, the employee's treating doctor if known to the district, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the district. If those opportunities or that program exists, a district shall identify the district's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.</p>
SUPPLEMENTAL REPORT OF INJURY	<p>A supplemental report shall be filed with a district's insurance carrier and provided to the employee within ten days after:</p> <ol style="list-style-type: none"><li>1. The end of each pay period in which the employee has a change in earnings, including all post-injury earnings as defined in 28 <del>TAC</del><b>Administrative Code Chapter</b> 129 [see OFFSETTING PAID LEAVE AGAINST <del>TBS</del><b>WORKERS' COMPENSATION INCOME BENEFITS</b>, below], as a result of the injury; or</li><li>2. The employee resigns or is terminated.</li></ol> <p>A district's duty to file supplemental reports continues until the employee reaches "maximum medical improvement" or is no longer employed by the district and the district has made the required report.</p> <p>For injuries that require the filing of a first report of injury, a district shall file the supplemental report with the district's insurance carrier and provide a copy to the employee within three days after:</p> <ol style="list-style-type: none"><li>1. The employee begins losing time from work as a result of the injury;</li><li>2. The employee returns to work; or</li><li>3. The employee, after returning to work, experiences an additional day of disability as a result of the injury.</li></ol> <p>A district shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.</p> <p><i>Labor Code 409.005; 28 TAC 120.2, <del>120.3</del></i></p>
INJURY AND OCCUPATIONAL DISEASE REPORT	<p>A district's report of injury filed in accordance with Texas Labor Code 409.005 [<b>see</b> FIRST REPORT OF INJURY, above] shall sat-</p>

	<p>isfy the district's requirement to file an injury and occupational disease report under Texas Labor Code 411.032. <i>28 TAC 160.3</i></p>
WAGE REPORTS	<p>A district is required to timely file a complete wage statement on a form prescribed by the TDI.</p> <p>The wage statement shall be filed with the carrier, the claimant, and any claimant representative. The wage statement should be filed and received within 30 days of the earliest of:</p> <ol style="list-style-type: none"><li>1. The date a district is notified that the employee is entitled to income benefits; or</li><li>2. The date of the employee's death as a result of a compensable injury.</li></ol> <p>A subsequent wage statement shall be filed with the carrier, the claimant, and any claimant representative within seven days of a change in any wage information provided on the previous wage statement. A wage statement shall also be filed with TDI within seven days of receiving a request from TDI.</p> <p><i>28 TAC 120.4(a)</i></p>
OMBUDSMAN PROGRAM	<p>A district shall notify its employees, in the manner prescribed by the TDI, of the ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act. <i>Labor Code 404.153</i></p>
REPORTS OF SAFETY VIOLATIONS	<p>A district shall notify its employees, in the manner prescribed by the TDI, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. A district shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law. <i>Labor Code 411.081, 411.082</i></p>
RELATION TO PAID LEAVE	<p>Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.</p> <p>"Lost wages" are the difference between the employee's gross average weekly wage (AWW) and the employee's gross post-injury earnings (PIE). If the employee's PIE equals or exceeds the employee's AWW, the employee has no lost wages.</p> <p>"Post-injury earnings" include, among several other components:</p> <ol style="list-style-type: none"><li>1. The value of any full days of accrued sick or annual leave that the employee voluntarily elects to use after the date of injury; and</li></ol>

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

*28 TAC 129.2*

OFFSETTING PAID  
LEAVE AGAINST  
WORKERS'  
COMPENSATION  
INCOME BENEFITS

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

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

PROHIBITED  
DISCRIMINATION

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

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

*Labor Code 451.001*

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

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

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INSURANCE AND ANNUITIES MANAGEMENT  
WORKERS' COMPENSATION

CRE  
(LEGAL)

LEAVES OF  
ABSENCE

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

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





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**Note:** For information on procuring goods and services under Education Code Chapter 44, see CH(LEGAL).

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BOARD AUTHORITY	A district may adopt rules as necessary to implement Government Code Chapter 2267. <i>Gov't Code 2267.051</i>
DELEGATION OF AUTHORITY	<p>The board may delegate its authority under Government Code Chapter 2267 regarding an action authorized or required by Chapter 2267 to a designated representative, committee, or other person.</p> <p>The board shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.</p> <p><i>Gov't Code 2267.053</i></p>
CONTRACTS VALUED AT OR ABOVE \$50,000	<p>All district contracts valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method that provides the best value for a district [see also CH]:</p> <ol style="list-style-type: none"> <li>1. An interlocal contract. [See CH]</li> <li>2. Competitive bidding. [See CVA]</li> <li>3. Competitive sealed proposals. [See CVB]</li> <li>4. Construction manager-agent method. [See CVC]</li> <li>5. Construction manager-at-risk method. [See CVD]</li> <li>6. Design-build method. [See CVE]</li> <li>7. Job order contract. [See CVF]</li> <li>8. The reverse auction procedure as defined by Government Code 2155.062(d). [See CH]</li> </ol> <p><i>Education Code 44.031(a); Gov't Code 2267</i></p> <p>[For information on contract-related fees, see CH]</p>
SELECTING A CONTRACTING METHOD	A board that considers a construction contract using a method authorized by Government Code Chapter 2267 other than competitive bidding must, before advertising, determine which method provides the best value for the district. <i>Gov't Code 2267.056(a)</i>

EXCEPTIONS EMERGENCY DAMAGE OR DESTRUCTION	If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and a board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. <i>Education Code 44.031(h)</i>
CONTRACTS REQUIRING A BOND	A reverse auction procedure, whether the same or similar to that described by Government Code 2155.062, may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see PAYMENT AND PERFORMANCE BONDS, below]. <i>Gov't Code 2253.021(h)</i>
PUBLIC NOTICE	Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which a district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. <i>Education Code 44.031(g); Gov't Code 2267.052(a)–(b)</i>
CONTRACT SELECTION CRITERIA	<p>In determining the award of a contract, the district shall consider and apply:</p> <ol style="list-style-type: none"> <li>1. Any existing laws, including any criteria, related to historically underutilized businesses; and</li> <li>2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.</li> </ol> <p>In determining the award of a contract, the district may consider:</p> <ol style="list-style-type: none"> <li>1. Price.</li> <li>2. The offeror's experience and reputation.</li> <li>3. The quality of the offeror's goods or services.</li> </ol>

4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

*Gov't Code 2267.055*OUT-OF-STATE  
BIDDERS

A board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001-.002*

This requirement shall not apply to a contract involving federal funds. A district shall rely on information published by the comptroller in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003-.004*

PUBLISHING  
CRITERIA

A district shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion. *Gov't Code 2267.056(b)*

## SUBMISSION

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2267.059*

ELECTRONIC BIDS  
OR PROPOSALS

~~A district may receive bids or proposals through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. An electronic bid or proposal is not required to be sealed. *Education Code 44.0313*~~

## SELECTION

A district shall base its selection among offerors on applicable criteria listed for the particular method used. *Gov't Code 2267.056(b)*

MAKING EVALUATIONS  
PUBLIC

A district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. *Gov't Code 2267.056(c), .105*

CHANGE ORDERS	<p>If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.</p> <p>The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.</p> <p>A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.</p> <p><i>Education Code 44.0411</i></p>
INSPECTION, VERIFICATION AND TESTING	<p>Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004. <i>Gov't Code 2267.058</i></p>
IMPACT FEES	<p>A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees. <i>Local Gov't Code 395.022</i></p>
ENERGY SAVINGS PERFORMANCE CONTRACTS	<p>The contracting and delivery procedures for construction projects described at Government Code Chapter 2267 do not apply to energy savings performance contracts described at Education Code 44.901. <i>Education Code 44.901(j)</i> [See CL]</p>
PROFESSIONAL SERVICES ARCHITECTS AND ENGINEERS	<p>An architect or engineer required to be selected or designated under Government Code Chapter 2267 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.</p> <p>If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications</p>

as provided by Government Code 2254.004 [see PROCURING PROFESSIONAL SERVICES, below].

*Gov't Code 2267.057*

REGISTERED  
ARCHITECT

An architectural plan or specification for any of the following may be prepared only by an architect registered in accordance with Occupations Code, Title 6, Chapter 1051:

1. A new building constructed and owned by a district that will be used for education, assembly, or office occupancy when the total projected construction costs at the commencement of construction exceed \$100,000.
2. Any alteration or addition to an existing building owned by a district that is, or will be, used for education, assembly, or office occupancy when the total projected construction costs of alteration or addition at the commencement of construction exceed \$50,000 and the alteration or addition requires the removal, relocation, or addition of any walls or partitions or the alteration or addition of an exit.

This section does not prohibit a district from choosing a registered architect or a registered professional engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand, limit, or otherwise alter the scope of a design professional's practice nor does it allow a design professional to prepare an architectural plan or specification described above.

*Occupations Code 1051.703; 22 TAC 1.212*

REGISTERED  
ENGINEER

Electrical or mechanical engineering plans, specifications, and estimates for a district construction project whose contemplated cost at completion is more than \$8,000 and that involves public health, welfare, or safety must be prepared by a registered professional engineer, and the engineering construction executed under the supervision of such an engineer. *Occupations Code 1001.053; Atty. Gen. Op. C-791 (1966)*

A district is not required to secure the services of a registered professional engineer to prepare plans for or supervise a construction project that does not involve electrical or mechanical engineering and for which the contemplated cost does not exceed \$20,000. *Occupations Code 1001.053*

PROCURING  
PROFESSIONAL  
SERVICES

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect. A district may contract for professional services rendered by a financial consultant or a technology con-

sultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Competitive bids shall not be solicited for professional services of any architect, landscape architect, land surveyor, professional engineer, or state-certified or state-licensed real estate appraiser. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, .003(a)*

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate a contract with that provider at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. A district shall continue this process until the parties enter into a contract.

*Gov't Code 2254.004*

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

#### RIGHT TO WORK

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2267, a district:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

*Gov't Code 2267.054*

#### ACCESSIBILITY

Each facility or part of a facility constructed by, on behalf of, or for the use of a district shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities. Alterations of facilities that affect or could affect their usability shall, to the maximum extent feasible, be altered in such manner that the altered portion is readily accessible to and usable by individuals with disabilities. 28 *CFR 35.151, 34 CFR 104.23*

PAYMENT AND  
PERFORMANCE  
BONDS

When a board makes a public work contract for constructing, altering, or repairing a public building or carrying out or completing any public work, it shall require the contractor, before beginning the work, to execute payment and/or performance bonds as specified below. The bonds shall be executed by a corporate surety in accordance with Insurance Code 7.19-1. The bond shall be payable to the board and in a form approved by the board. *Gov't Code 2253.021(a), (d)–(e)*

For a contract in excess of \$100,000, a performance bond shall be executed in the amount of the contract conditioned on the faithful performance of the work according to the plans, specifications, and contract documents. The bond is solely for the protection of a district. *Gov't Code 2253.021(b)*

For a contract in excess of \$25,000, a payment bond shall be executed in the amount of the contract solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material. *Gov't Code 2253.021(c)*

FAILURE TO OBTAIN  
PAYMENT BOND

If a board fails to obtain a payment bond covering a contract in excess of \$25,000 from the prime contractor, it is subject to the same liability as a surety would be, and a payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the contract were subject to Subchapter J, Chapter 53, Property Code. *Gov't Code 2253.027*

NO BOND FOR  
DESIGN SERVICES  
ONLY

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm. *Gov't Code 2267.311(a)* [See CVE for more information on design/build contracts, including bond amounts]

BOND FOR  
INSURED LOSS

A board shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the governmental entity, furnishes or has furnished by a contractor:



1. A performance bond for the benefit of a district, as described above; and
2. A payment bond, as described above. If the payment bond is not furnished, a district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

These bonds shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

EXCEPTION TO  
BOND  
REQUIREMENT

The requirement that a district secure a performance or payment bond from an insurance company, above, does not apply when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

*Gov't Code 2253.022*

PREVAILING WAGE ON  
PUBLIC WORKS

A worker, laborer, or mechanic employed on a public work, exclusive of maintenance work, by or on behalf of a district shall be paid not less than the general prevailing rate of per diem wages. The general prevailing rate of per diem wages is the rate of per diem wages for work of a similar character in the locality in which the work is performed, and also includes the rate of per diem wages for legal holiday and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

*Gov't Code 2258.001, .021*

A board shall determine, as a sum certain, the general prevailing rate of per diem wages in a district for each craft or type of worker needed to execute the contract and also for legal holiday and overtime work. To ascertain the general prevailing rate of per diem wages, a board shall either conduct a survey of the wages received by classes of workers, laborers, and mechanics employed on projects of a character similar to the contract work in a district or adopt the prevailing wage rate as determined by the U.S. Department of Labor. A board shall specify the prevailing rate of per diem wages in the call for bids and in the contract itself. A board's determination of the general prevailing rates of per diem wages shall be final. *Gov't Code 2258.001, .022*

ENFORCEMENT

A board, and an agent or officer of the board, shall receive complaints regarding violations of the prevailing wage requirements of Chapter 2258, and withhold money from the contractor as required by statute. Upon receipt of a complaint, a board shall determine, before the 31st day after the date the information is received, whether good cause exists to believe that a contractor or subcon-



	<p>tractor has failed to pay the prevailing wage and shall provide written notice of its determination to the contractor or subcontractor and any affected laborer, worker, or mechanic of its initial determination. <i>Gov't Code 2258.051–.052</i></p>
RETAINAGE AND REIMBURSEMENT	<p>A board shall retain any amounts due under the contract pending a final determination of the violation. Upon a final determination that violations have occurred, a board shall use those retained amounts to pay the laborer, worker, or mechanic the difference between the amount the worker received in wages and the amount the worker would have received at the prevailing rate of per diem wages provided in the arbitrator's award. A board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. <i>Gov't Code 2258.052(d), .056</i></p>
PENALTY FOR NONCOMPLIANCE	<p>The contractor to whom the contract is awarded or any subcontractors of the contractor shall pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the contract. A contractor or subcontractor who fails to pay the specified rates as required shall pay to a district \$60 for each worker, laborer, or mechanic employed for each calendar day or part of a calendar day the worker is paid less than the wage rates specified in the contract. A board must specify this penalty in the contract. If a district does not determine the prevailing wage rates and specify them in the contract, the contractor or subcontractor may not be fined. A board shall use any penalty money collected to offset the costs incurred in administering Government Code Chapter 2258. <i>Gov't Code 2258.023</i></p>
REQUIRED WORKERS' COMPENSATION COVERAGE	<p>When a district enters into a building or construction contract on a project, it shall fulfill the following requirements regarding required workers' compensation coverages. A project includes the provision of all services related to a building or construction contract for a district. A district shall:</p> <ol style="list-style-type: none"><li>1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]</li><li>2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]</li><li>3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person's beginning work on the project. This provision includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regard-</li></ol>

less of whether that person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the contract. Services include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. Services do not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
  - a. Before the end of the coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
  - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance upon request and to any person entitled to a copy by law.
7. Use the prescribed language for bid specifications and contracts without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation. [See CV(EXHIBIT) for prescribed language]

*Labor Code 406.096; 28 TAC 110.110(a)(7)(8), (c)*

#### EXCEPTION

This coverage requirement does not apply to sole proprietors or partners of a covered business entity or corporate officers, if the sole proprietor, partner or officer is explicitly excluded from the coverage of their business entity through an endorsement to the insurance policy or certificate of authority to self insure. *Labor Code 406.097; 28 TAC 110.110(i)*

#### CRIMINAL HISTORY

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

IMPERMISSIBLE PRACTICES	A board member, employee, or agent of a district who knowingly or with criminal negligence violates the purchasing laws found in Education Code Chapter 44 as described at Education Code 44.032 is subject to criminal penalties. <i>Education Code 44.032</i> [See CH]
ENFORCEMENT ACTIONS	Government Code Chapter 2267 may be enforced through an action for declaratory or injunctive relief filed not later than the tenth day after the date on which the contract is awarded. <i>Gov't Code 2267.452</i>
DEFECTS IN INSTRUCTIONAL FACILITIES	<p>A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment) shall provide the Commissioner with written notice of the action. The Commissioner may join in the action on behalf of the state to protect the state's share.</p> <p>The district shall use the net proceeds from the action to repair the defect or to replace the facility. Education Code 46.008 applies to the repair.</p> <p>The state's share is state property. The school district shall send to the comptroller any portion of the state's share not used by the school district to repair the defect or to replace the facility. Education Code 42.258 applies to the state's share.</p>
NET PROCEEDS	"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.
STATE'S SHARE	<p>"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.</p> <p><i>Education Code 46.0111</i></p>
ATTORNEY FEES	A governmental contract for general construction, an improvement, a service, or a public works project may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute. <i>Gov't Code 2252.904</i>



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

## SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAB	Genetic Nondiscrimination
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Criminal History and Credit Reports
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
DEA	Wage and Hour Laws
DEAA	Incentives and Stipends
DEAB	Salaries and Wages
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return To Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force

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

## SECTION D: PERSONNEL

DFFA	Financial Exigency
DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Other Professional Employees
DP	PERSONNEL POSITIONS
DPB	Substitute, Temporary, and Part-Time Positions

PERSONS UNDER  
PROBATIONARY  
CONTRACTS

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

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. Counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B.
6. Nurse.

*Education Code 21.101, ~~21.102~~(a)*

EXCEPTIONS  
REHIRES

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

PRINCIPAL OR  
CLASSROOM  
TEACHER

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

~~VOLUNTARY  
REASSIGNMENT  
A PERSON UPON  
REASSIGNMENT~~

~~An employee may be employed under a probationary contract if the personemployee voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Education Code Chapter 21, Subchapter B than the class of certificate held by the personemployee in the professional capacity in which the personemployee was previously employed. If the person is returned by the district to the person's previous professional capacity, the person is entitled to be employed under the contractual status held by the person during the previous employment in that capacity. Education Code 21.102(a-1), 19 TAC 232.2~~

**This provision does not apply to an employee who is returned by a district to a professional capacity in which the employee was employed by the district before the district employed the employee in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the**

	<p><b>employee during the previous employment by the district in that capacity.</b></p> <p><b><i>Education Code 21.102(a-1) [See 19 TAC 230.33 for list of certificate classes]</i></b></p>
TERM OF CONTRACT	A probationary contract may not be for a term exceeding one school year.
MAXIMUM	A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by a district.
EXCEPTION	<p>A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, a board determines that it is doubtful whether a continuing contract or a term contract should be given. If the board makes such a determination, a district may make a probationary contract for a term ending with the fourth consecutive school year.</p> <p><i>Education Code 21.102</i></p>



PROBATIONARY CONTRACTS  
RETURN TO PROBATIONARY STATUS

DFAC  
(LEGAL)

UPON  
REASSIGNMENT

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

This provision does not apply to an employee who is returned by a district to a professional capacity in which the employee was employed by the district before the district employed the employee in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the employee during the previous employment by the district in that capacity.

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

IN LIEU OF  
DISCHARGE,  
TERMINATION, OR  
NONRENEWAL

In lieu of discharging a continuing contract employee, terminating a term contract employee, or not renewing a term contract, a district may, with written consent of the employee, return the employee to probationary contract status. *Education Code 21.106(a)*

AFTER BOARD  
PROPOSAL

Except as provided below, an employee may agree to be returned to probationary status only after receiving written notice that the board has proposed discharge, termination, or nonrenewal. [See DF series] *Education Code 21.106(b)*

AFTER NOTICE  
FROM  
SUPERINTENDENT

An employee may agree to be returned to probationary contract status after receiving written notice of the superintendent's intent to recommend discharge, termination, or nonrenewal.

NOTICE

The notice must inform the employee of a district's offer to return the employee to probationary contract status, the period during which the employee may consider the offer, and the employee's right to seek counsel. A district must provide the employee at least three business days after the employee receives the notice to agree to be returned to probationary contract status. This provision does not require a superintendent to provide notice of intent to recommend discharge, termination, or nonrenewal.

*Education Code 21.106(d)*

NEW PROBATIONARY  
PERIOD

An employee returned to probationary status must serve a new probationary period as **provided by Education Code 21.102** as if the employee were employed by a district for the first time. *Education Code 21.106(c)*



TERM CONTRACTS  
NONRENEWAL

DFBB  
(LEGAL)

GROUNDS FOR NONRENEWAL	<p>The board may terminate a term contract for a financial exigency that requires a reduction in personnel. <i>Education Code 21.211(a)</i> <a href="#">[See CEA]</a></p>
REASONS	<p>The board shall establish by policy reasons for nonrenewal at the end of a school year. <i>Education Code 21.203(b)</i></p>
EVALUATIONS	<p>Before making a decision not to renew a term contract, the board shall consider the most recent evaluations if the evaluations are relevant to the reason for the board's action. <i>Education Code 21.203(a)</i> <a href="#">[See DNA and DNB]</a></p>
NOTICE	<p>Not later than the tenth day before the last day of instruction in a school year, the board shall notify in writing each employee whose <del>term</del>-contract is about to expire whether the board proposes to re-new or not renew the contract.</p> <p>The notice must be delivered personally by hand delivery to the employee on the campus at which the employee is employed. If the employee is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the employee's address of record with the district. Notice that is postmarked on or before the tenth day before the last day of instruction is considered timely for these purposes.</p>
FAILURE TO PROVIDE TIMELY NOTICE	<p>The board's failure to give timely notice of a proposed renewal or nonrenewal constitutes an election to employ the <del>term</del>-contract employee in the same professional capacity for the following school year.</p> <p><i>Education Code 21.206</i></p>
REQUEST FOR HEARING	<p>If the employee desires a hearing after receiving notice of the proposed nonrenewal, the employee shall notify the board in writing not later than the 15th day after:</p> <ol style="list-style-type: none"><li>1. The date the employee receives hand delivery of the notice of proposed nonrenewal; or;</li><li>2. The date the notice is delivered to the employee's address of record with the district, if the notice is mailed by prepaid certified mail or delivered by express delivery service.</li></ol> <p>The board shall provide for a hearing to be held not later than the 15th day after receiving written notice from the employee requesting a hearing unless the parties agree in writing to a different date. The hearing shall be closed unless the employee requests an open hearing and shall be conducted in accordance with rules adopted by the board.</p>

*Education Code 21.207(a)*

LARGE DISTRICT  
OPTION

In a district with an enrollment of at least 5,000 students, the board may designate an attorney licensed to practice law in this state to hold the hearing on behalf of the board, to create a hearing record for the board's consideration and action, and to recommend an action to the board.

The designee may not be employed by a district and neither the designee nor a law firm with which the designee is associated may be serving as an agent or representative of a district, an employee in a dispute between a district and an employee, or an organization of school employees, school administrators, or school boards.

Not later than the 15th day after completion of the hearing, the designee shall provide to the board a record of the hearing and the designee's recommendation of whether the contract should be renewed or not renewed.

The board shall consider the record of the hearing and the designee's recommendation at the first board meeting for which notice can be posted, in compliance with the Texas Open Meetings Act, following the receipt of the record and recommendation from the designee, unless the parties agree in writing to a different date.

At the meeting, the board shall consider the hearing record and the designee's recommendation and allow each party to present an oral argument to the board. The board by written policy may limit the amount of time for oral argument. The policy must provide equal time for each party. The board may obtain advice concerning legal matters from an attorney who has not been involved in the proceedings. The board may accept, reject, or modify the designee's recommendation.

The board shall notify the employee in writing of the board's decision not later than the 15th day after the date of the meeting.

*Education Code 21.207(b-1)*

BOARD HEARING

At the hearing before the board or the board's designee, the employee may:

1. Be represented by a representative of the employee's choice;
2. Hear the evidence supporting the reason for nonrenewal;
3. Cross-examine adverse witnesses; and
4. Present evidence.

*Education Code 21.207(c)*

TERM CONTRACTS  
NONRENEWAL

DFBB  
(LEGAL)

BOARD DECISION	<p>To evaluate the evidence put before it, the board shall use the preponderance of the evidence standard of review. <u>Whitaker v. Marshall</u> <del>ISD</del> <u>Indep. Sch. Dist.</u>, Comm. Ed. Dec. No. 112-R1-598 (1998)</p> <p>Following the hearing, the board shall take the appropriate action and notify the employee in writing of that action within 15 days following the conclusion of the hearing. <u>Education Code 21.208</u></p>
<u>HEARING EXAMINER</u>	<p><u>The board may use the process described at DFD. Education Code 21.207(b)</u></p>
NO HEARING	<p>If the employee fails to request a hearing, the board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent. <u>Education Code 21.208</u></p> <p><del>Education Code 21.208</del></p>
<del>HEARING EXAMINER</del>	<p><del>The board may use the process described at DFD. Education Code 21.207(b)</del></p>
APPEALS	<p>An employee aggrieved by a decision of the board to nonrenew a term contract may appeal to the Commissioner for a review of the board's decision. <u>Education Code 21.209</u></p>



## WORK LOAD

DL  
(LEGAL)

### PLANNING AND PREPARATION

Each classroom teacher is entitled to at least 450 minutes in each two-week period for instructional preparation including parent-teacher conferences, evaluating students' work, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity. *Education Code 21.404* [See ~~DEA~~**DEAB**(LEGAL) for definition of classroom teacher]

**Planning and preparation time must occur during the time that students at the school where the teacher is located are receiving instruction. Canutillo Educators Ass'n v. Canutillo Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 042-R10-203 (April 30, 2010)**

### DUTY-FREE LUNCH

Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. The implementation of this requirement may not result in a lengthened school day. *Education Code 21.405* [See ~~DEA~~**DEAB**(LEGAL) for definitions of classroom teacher and librarian]

**Teachers may not be required to spend their 30-minute duty-free lunch break on school property. *Tex. Att'y Gen. Op. JM-481 (1986)***

### EXCEPTION

If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, a district may require a classroom teacher or librarian to supervise students during lunch. A classroom teacher or librarian may not be required to supervise students under this exception more than one day in any school week. *Education Code 21.405*

In determining whether an exceptional circumstance exists, a district shall use the following guidelines:

1. A personnel shortage exists when, despite reasonable efforts to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, no other personnel are available.
2. Extreme economic conditions exist when the percentage of a local tax increase, including the cost of implementing duty-free lunch requirements, would place the district in jeopardy with respect to a potential roll-back election.
3. Unavoidable or unforeseen circumstances exist when, because of illness, epidemic, or natural or man-made disaster, the district is unable to find individuals to supervise students during lunch.

WORK LOAD

DL  
(LEGAL)

19 TAC 153.1001

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STAFF DEVELOPMENT	Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee [see <b>BQA and BQB</b> ].
TRAINING SPECIFICS	<p>The staff development provided by a school district must be conducted in accordance with standards developed by the district and designed to improve education in the district.</p> <p><u>A district may use district-wide staff development that has been developed and approved through the district-level decision process.</u></p> <p><u>The staff development may include:</u></p> <ol style="list-style-type: none"><li><u>1. Training in technology, conflict resolution, and discipline strategies, including classroom management, district discipline policies, and the Student Code of Conduct;</u></li><li><b>2. Training in preventing, identifying, responding to, and reporting incidents of bullying; and</b></li><li><u>3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.</u></li></ol>
<b>STUDENTS WITH DISABILITIES</b>	<p>The staff development must include training, based on scientifically based research, that relates to the instruction of students with disabilities and is designed for educators who work primarily outside the area of special education. A district is required to provide such training only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered. In developing or maintaining such training, a district must consult persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district.</p> <p><del>1. The staff development may include: Training in technology, conflict resolution, and discipline strategies, including classroom management, district discipline policies, and the Student Code of Conduct; and</del></p> <p><del>1. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.</del></p> <p><i>Education Code 21.451</i></p>

CHILD ABUSE AND  
MALTREATMENT

~~A district may use district-wide staff development that has been developed and approved through the district-level decision process. Education Code 21.452(c)~~

A district's methods for increasing awareness of issues regarding sexual abuse and other maltreatment of children [see BQ, district improvement plan, and FFG] must address employee training.

The training must be provided as part of a new employee orientation to new educators, including counselors and coaches, and other professional employees. The training may be provided annually to any employee. The training may be included in staff development under Education Code 21.451.

The training shall address:

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

A district shall maintain records of the training that include the name of each employee who participated.

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

*Education Code 38.0041*

SPECIAL PROGRAMS  
TRAINING

TITLE I STAFF  
DEVELOPMENT

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

READING  
ACADEMIES

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

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

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

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

GIFTED AND  
TALENTED  
EDUCATION

A district shall ensure that:

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

development that includes nature and needs of gifted/talented students and program options.

*19 TAC 89.2*

ELECTIVE BIBLE COURSE	A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the Commissioner with respect to Bible elective courses. <i>Education Code 28.011(f)</i>
ADULT EDUCATION	<p>All adult education staff shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. <i>19 TAC 89.25(1), (2)</i></p> <p>Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of in-service professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience. <i>19 TAC 89.25(4)(B)</i></p>
EXCEPTIONS	The in-service professional development requirements may be reduced by local programs in individual cases where exceptional circumstances prevent employees from completing the required hours of in-service professional development. Documentation justifying such circumstances must be kept. Requests for exemption in individual cases may be submitted to TEA for approval in the application for funding and must include justification and proposed qualification. <i>19 TAC 89.25(5)</i>
VOLUNTEERS	The above requirements also apply to volunteers who generate student contact time that is accrued by the adult education program and reported to TEA for funding purposes. <i>19 TAC 89.25(7)</i>
RECORDS	Records of staff qualifications and professional development shall be maintained by a district and must be available for monitoring. <i>19 TAC 89.25(6)</i>
AUTOMATED EXTERNAL DEFIBRILLATORS	<p>A district shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).</p> <p>The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002.</p>

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the Commissioner, and each student who serves as an athletic trainer, must:

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

*Education Code 22.902*

EXTRACURRICULAR  
ACTIVITY SAFETY  
TRAINING

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

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

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

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

RECORDS

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

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

*Education Code 33.206; 19 TAC 76.1003(e)*

STEROIDS

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

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

*Education Code 33.091(c-1)*

CONCUSSIONS

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

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of State Health Services Advisory Board of Athletic Trainers (TDSHS-ABAT) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL, TDSHS-ABAT, or the appropriate licensing authority for the profession.

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

*Education Code 38.158*

RESOURCES FOR  
STAFF DEVELOPMENT

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

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

## SECTION E: INSTRUCTION

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

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

## SECTION E: INSTRUCTION

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



INNOVATIVE COURSES  
AND PROGRAMS

\* A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

To request approval for an innovative course from the SBOE or the Commissioner, a district must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 ~~TAC~~**Administrative Code** 74.27(3).

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

19 TAC 74.27

MAGNET SCHOOLS  
OR PROGRAMS

\* A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. 19 TAC 74.22(b)

DUAL LANGUAGE  
IMMERSION  
PROGRAM (DLIP)

~~\* A district may adopt a dual language immersion program for students enrolled in elementary school grades. Education Code 28.005(c), 28.0051(c)~~

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

GOALS

~~The primary goals of a DLIP are:~~

~~The development of fluency and literacy in English and another language for all students, paying special attention to limited English proficient (LEP) students participating in the program;~~

~~The integration of English speakers and language minority students for academic instruction, in accordance with the program design and model selected by the board. Whenever possible, 50 percent of the students in a program should be dominant English speakers and 50 percent of the students should be native speakers of the other language at the beginning of the program;~~

~~The promotion of bilingualism, biliteracy, cross-cultural awareness, and high academic achievement; and~~

~~The initial preparation of students to be economically competent, multi-literate citizens in an international community.~~

IMPLEMENTATION

~~Program implementation should:~~

	<p><del>Begin at prekindergarten, kindergarten, or grade 1, as applicable;</del></p> <p><del>Continue without interruption incrementally through the elementary grades; and</del></p> <p><del>Consider expansion to middle school and high school whenever possible.</del></p>
CURRICULUM	<p><del>A DLIP must address all curriculum requirements specified at 19 TAC Chapter 74, subchapter A (required curriculum). The program must be developmentally appropriate and based on current best practices research. The program shall use state-adopted instructional materials as specified in 19 TAC 89.1210.</del></p> <p><del>A DLIP shall be a full-time program of academic instruction in English and another language. A minimum of 50 percent of instructional time must be provided in the language other than English.</del></p> <p><del>A district serving LEP students in a DLIP must meet the requirements of Education Code 29.051 and 19 TAC Chapter 89, subchapter BB relating to education of LEP students.</del></p>
ENROLLMENT	<p><del>Student enrollment in a DLIP is optional. The program must fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or handicapping condition. A district must obtain written parental approval for student participation in the program sequence and model established by the district.</del></p> <p><del>A district implementing a DLIP must develop a policy on enrollment and continuation for students in the program. The policy must address:</del></p> <p><del>Eligibility criteria;</del></p> <p><del>Program purpose;</del></p> <p><del>Grade levels in which the program will be implemented;</del></p> <p><del>Support of program goals; and</del></p> <p><del>Expectations for students and parents.</del></p>
LEP STUDENTS	<p><del>The minimum enrollment requirement of LEP students in a DLIP should be the lesser of 30 percent of the students in the class, or all LEP students served in that grade at that campus.</del></p>
STAFFING	<p><del>A DLIP must be staffed with certified teachers able to deliver high-level academic instruction in English as a second language and the assigned language of instruction.</del></p>

EVALUATION AND  
RECOGNITION

~~A district must offer professional development programs for DLIP teachers that incorporate second language acquisition methods that are developmentally, affectively, linguistically, and cognitively appropriate.~~

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

~~An exceptional DLIP may be recognized by a board using the following criteria:~~

~~The district must exceed the minimum requirements stated in 19 TAC 89.1605.~~

~~The district must be rated at least acceptable in the state accountability system.~~

~~The district must not be identified for any stage of intervention for the district's bilingual and/or English as a second language program under the performance-based monitoring system.~~

~~The district must meet the Adequate Yearly Progress participation and performance criteria for the LEP student group under No Child Left Behind regulations.~~

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

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

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

~~Education Code 28.0051; 19 TAC 89.1601-.1613~~

\* (Optional provisions)



PURPOSE

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. A district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided 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 74.2*

REQUIRED  
CURRICULUM

A district that offers kindergarten through grade 12 shall offer the following as a required curriculum:

FOUNDATION  
CURRICULUM

1. A foundation curriculum that includes:
  - a. English ~~Language Arts~~ **language arts** and reading;
  - b. Mathematics;
  - c. Science; and
  - d. Social studies, consisting of Texas, United States, and world history; government; ~~and geography~~ **geography; and economics with emphasis on the free enterprise system and its benefits.**

*Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)*

ENRICHMENT  
CURRICULUM

2. An enrichment curriculum that includes:
  - a. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
  - b. Health, with emphasis on the importance of proper nutrition and exercise;

- c. Physical education;
- d. Fine Arts;
- e. Career and technical education;
- f. Technology applications; and
- g. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

*Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)*

LOCAL CREDIT

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

LOCAL  
INSTRUCTIONAL PLAN

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule. *Education Code 28.002(g)*

COORDINATED  
HEALTH PROGRAMS

TEA shall make available to a district one or more coordinated health programs or allow the development of district programs designed to prevent obesity, cardiovascular disease, and type 2 diabetes in elementary, middle, and junior high school students. Each program must provide for coordinating:

- 1. Health education;
- 2. Physical education and physical activity;
- 3. Nutrition services; and
- 4. Parental involvement.

*Education Code 38.013; 19 TAC 102.1031(a)*

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

PHYSICAL EDUCATION Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

STUDENT/TEACHER RATIO The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

*Education Code 25.114, 28.002(d); 19 TAC 74.37*

CLASSIFICATION FOR PHYSICAL EDUCATION A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
  - a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.

- b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

*19 TAC 74.31*

SCHOOL HEALTH  
ADVISORY COUNCIL

A board shall 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. *Education Code 28.004(a)* [See BDF regarding composition of council and FFA regarding federal wellness requirements]

DUTIES

The council's duties include recommending:

1. The number of hours of instruction to be provided in health education;
2. Curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and type 2 diabetes through coordination of health education, physical education and physical activity, nutrition services, parental involvement, and instruction to prevent the use of tobacco;
3. Appropriate grade levels and methods of instruction for human sexuality instruction; and
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
  - a. School health services;
  - b. Counseling and guidance services;
  - c. A safe and healthy school environment; and
  - d. School employee wellness.

*Education Code 28.004(c)*

The council shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The council must consider research regard-



	<p>ing unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The council shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students. <i>Education Code 28.004(l)</i></p>
CONTENT OF HUMAN SEXUALITY INSTRUCTION	<p>The board shall determine the specific content of a district's instruction in human sexuality. <i>Education Code 28.004(h)</i></p> <p>The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the local school health advisory council. The instruction must:</p> <ol style="list-style-type: none"><li>1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;</li><li>2. Devote more attention to abstinence than to any other behavior;</li><li>3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;</li><li>4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and</li><li>5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.</li></ol> <p><i>Education Code 28.004(e)</i></p>
CONDOMS	<p>A district may not distribute condoms in connection with instruction relating to human sexuality. <i>Education Code 28.004(f)</i></p>
SEPARATE CLASSES	<p>If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. <i>Education Code 28.004(g)</i> [See <del>FBA</del>FB regarding single-sex classes under Title IX]</p>
NOTICE TO PARENTS	<p>Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality in-</p>

struction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
  - a. Review curriculum materials as provided by Education Code 28.004(j); and
  - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

*Education Code 28.004(i)–(i-1)*

AVAILABILITY OF  
MATERIALS

A district shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFAA regarding selection of curriculum materials for human sexuality instruction]

STEROID NOTICE AND  
EDUCATION

A district shall, at appropriate grade levels as determined by the State Board of Education, provide to students involved in extracurricular athletic activities information developed by TEA regarding the use of anabolic steroids and the health risks involved with such use. *Education Code 38.0081(b)*

Each school in a district in which there is a grade level of seven or higher shall post in a conspicuous location in the school gymnasium and each other place in a building where physical education classes are conducted a notice regarding steroids, using the text set forth at Education Code 38.008 [see FNCF(EXHIBIT)]. *Education Code 38.008*

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. A 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. A 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 school 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

A 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.

A 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

A 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.

A 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

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 school 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

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

(Optional provision)

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. A 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)*

A 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, ~~and 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.

- ~~3.4.~~ Social studies — United States History Studies Since ~~Reconstruction~~ **1877**, World History Studies, United States Government, ~~and~~ World Geography Studies, **and Economics with Emphasis on the Free Enterprise System and Its Benefits.**
- ~~4. — Economics — Economics with Emphasis on the Free Enterprise System and Its Benefits.~~

Each district shall provide to a student instruction in personal financial literacy in any course meeting the requirements for an economics 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, a district may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction. Each district shall ensure that a district student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit receives the personal financial literacy instruction.

*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. Health education — Health I.~~

~~A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum. In high schools that do not have a family violence prevention program, the program must address skills relating to the prevention of family violence [see PARENTING AWARENESS PROGRAM, below]. Education Code 28.002(p)~~

~~7.~~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.

~~8.~~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.

**9.8.** Languages other than English — Levels I, II, and III or higher of the same language.

**10.9.** Technology applications — at least four ~~courses selected from Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications~~ 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.**

~~44.10.~~ **10.** Speech — Communications Applications.

*19 TAC 74.3(b)(2)*

A 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 a 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. *19 TAC 74.3(b)(4)*

A district shall teach any course a student is **specifically** required to take for **high school** graduation ~~or at least once in any course in which ten or more students indicate they will participate.~~ **two consecutive school years.** For ~~those courses in which fewer than ten students indicate~~ **a subject** that ~~they will participate~~ **has an end-of-course assessment**, a district shall either teach the course **every year** or use alternate delivery systems, as described in 19 Administrative Code, Chapter 74, Subchapter C, to ~~provide~~ **enable students to earn credit for** the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

APPLIED COURSES

A school 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. *Education Code 28.025(b-4)*

RESEARCH WRITING  
COMPONENT

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. *19 TAC 74.3(b)(5)*

PARENTING  
AWARENESS  
PROGRAM  
HIGH SCHOOL

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.



BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (SECONDARY)

EHAC  
(LEGAL)

MIDDLE AND JUNIOR HIGH SCHOOL	A district may use the program in the district's middle or junior high school curriculum.
PROGRAM REQUIREMENTS	<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>A district may add elements at its discretion but must include the following areas of instruction:</p> <ol style="list-style-type: none"><li>1. Parenting skills and responsibilities, including child support;</li><li>2. Relationship skills, including money management, communication, and marriage preparation; and</li><li>3. 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.</li></ol> <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>A 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"><li>1. Child development;</li><li>2. Parenting skills, including child abuse and neglect prevention; and</li><li>3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.</li></ol>
PARENT PERMISSION	<p>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.</p> <p><i>Education Code 28.002(p); 19 TAC 74.35(a)</i></p>
ALCOHOL AWARENESS INSTRUCTION	<p>A 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.</p> <p>A 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.</p>

“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)*

SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

ADMISSION, REVIEW,  
AND DISMISSAL  
COMMITTEE

A district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 CFR 300.321.

RESPONSIBILITIES  
OF ARD  
COMMITTEE

The responsibilities of the ARD committee and the district include:

1. Evaluation, ~~re-evaluation~~reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

*19 TAC 89.1050(a); 34 CFR 300.116(a), .321(a)*

COMMITTEE  
MEMBERS

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the child;

4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2–~~54~~);
6. The child, if appropriate;
7. Other individuals who have knowledge or special expertise regarding the child. at the discretion of the district or the parent;
8. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments;
9. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments;
10. For a child with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), when selecting assessments; and
11. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

*20 U.S.C. 1414(d)(1)(B); 34 CFR 300.321; 19 TAC 75.1023(d)(1), 89.1131(b)(3)–(4), 101.~~1009~~1005*

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district

consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 U.S.C. 1414(d)(1)(C); 34 CFR 300.321(e)*

MEMBERSHIP  
FOR TRANSITION  
MEETINGS

If the purpose of the meeting is to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, a district shall invite:

1. The student. If the student does not attend, a district shall take steps to ensure that the student's preferences and interests are considered.
2. To the extent appropriate, and with the consent of the parent or adult student, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

*34 CFR 300.321(b)* [See EHBAD]

PARENT  
INVOLVEMENT

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

*34 CFR 300.322(a)–(b); 19 TAC 89.1045*

ALTERNATIVE  
MEANS OF  
MEETING  
PARTICIPATION

If neither parent can attend an ARD meeting, the district must use alternative means of meeting participation, such as individual or conference telephone calls. *20 U.S.C. 1414(f); 34 CFR 300.322(c)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should at-

tend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 CFR 300.322(d)*

#### MEETINGS

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 CFR 300.116(b)(1), 300.324(b), (c)(1)*

#### MEETING AT PARENT'S REQUEST

A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. A district must respond to the request by holding the meeting or requesting TEA's assistance through the mediation process. A district shall inform parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate. *19 TAC 89.1045(b)*

#### TRANSFER STUDENTS

If a student transfers districts, and the student had a previous IEP in place, a district will provide the child with FAPE, including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, the district adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, the district conducts an evaluation, if determined necessary by the district, and develops, adopts, and implements a new IEP, if appropriate.

*20 U.S.C. 1414(d)(2)(C)(i); 34 CFR 300.323(e)–(f)*

#### TRANSFER OF RECORDS

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of

special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district.

*20 U.S.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g)*

MILITARY  
DEPENDENTS

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C* [See FDD]

INDIVIDUALIZED  
EDUCATION  
PROGRAM (IEP)

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 CFR 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 CFR 300.323(a)*

The term “individualized education program” means a written statement for each child with a disability that includes:

1. A statement of the child’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child’s progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement

and functional performance of the child on state or district-wide assessments;

9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is ~~16~~14, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals [see EHBAD]; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

20 U.S.C. 1414(d); 34 CFR 300.320; **Education Code 29.0111**; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA Web site. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

TRANSLATION OF  
IEP INTO NATIVE  
LANGUAGE

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d); 19 TAC 89.1050(e)*

AUTISM /  
PERVASIVE  
DEVELOPMENTAL  
DISORDER

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;



3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)–(f)*

VISUAL  
IMPAIRMENT

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

COLLABORATIVE  
PROCESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

TEN-DAY RECESS When agreement about all required elements of the IEP is not achieved, the parent or adult student [see EHBAD for more information on rights of adult students] who disagrees shall be offered a single opportunity to have the committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and the district to reach agreement about all required elements of an IEP.

During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the committee to reach agreement.

The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

FAILURE TO  
REACH  
AGREEMENT

If, after the ten-day recess, the ARD committee still cannot reach agreement, a district shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.

When a district implements an IEP with which the parents or adult student disagree, it shall provide prior written notice in compliance with the notice provisions described at EHBAD.

Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point, when they disagree with ARD committee decisions.

*19 TAC 89.1050(h)*

MODIFICATION OF  
EXISTING IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of

making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

*20 U.S.C. 1414(d)(3)(D)–(F); 34 CFR 300.324(a)(4)–(a)(6)*

TEACHER REQUEST  
TO REVIEW IEP

In accordance with TEA rules, each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. That provides for a timely district response to the teacher's request; and
3. That provides for notification to the student's parent or legal guardian of that response.

*Education Code 29.001(11)*



TITLE III REQUIREMENTS	A district that receives funds under Title III of the No Child Left Behind Act shall comply with the statutory requirements regarding limited English proficient <del>(LEP)</del> and immigrant students. <i>20 U.S.C. 6801–7014</i>
STATE POLICY	It is the policy of the state that every student who has a home language other than English and who is identified as <del>LEP</del> <b>an English language learner</b> shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.
DEFINITIONS	<p><b>“Student of limited English proficiency (LEP)” means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.</b></p> <p><b>“English language learner (ELL)” is a person who is in the process of acquiring English and has another language as the first native language.</b></p> <p><b>The terms ELL and LEP student are used interchangeably.</b></p> <p><b>“Parent” includes a legal guardian of a student.</b></p>
DISTRICT RESPONSIBILITY	<p>Each district shall:</p> <ol style="list-style-type: none"><li>1. Identify <del>LEP students</del><b>ELLs</b> based on criteria established by the state;</li><li>2. Provide bilingual education and ESL programs, as integral parts of the regular program;</li><li>3. Seek certified teaching personnel to ensure that <del>LEP students</del><b>ELLs</b> are afforded full opportunity to master the essential knowledge and skills; and</li><li>4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for <del>LEP students</del><b>ELLs</b> and the schools that serve them.</li></ol>
IDENTIFICATION OF LEP STUDENTS	<p><i>Education Code 29.<del>051</del><b>052</b>; 19 TAC 89.1201(a<del>)</del>, <b>.1203</b></i></p> <p>Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to TEA before November 1 each year. <i>Education Code 29.053(b)</i></p>

LANGUAGE  
PROFICIENCY  
ASSESSMENT  
COMMITTEES  
(LPAC)

Each district that is required to offer bilingual and special language programs shall, by local board policy, establish ~~a language proficiency assessment committee (LPAC)~~ **an LPAC**. A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within ~~four weeks~~ **20 school days** of the enrollment of LEP students. A district shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

MEMBERSHIP OF  
LPAC

The LPAC shall include:

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

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

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

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

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

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

DUTIES

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

HOME LANGUAGE  
SURVEY

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

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

**The home language survey shall contain the following questions:**

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

**Additional information may be collected by a district and recorded on the home language survey.**

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

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

LEP  
CLASSIFICATION

The LPAC may classify a student as LEP if:

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

*Education Code 29.056(c)*

PARENTAL NOTICE  
AND CONSENT

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

notice shall inform the parents of the benefits of the program for which the student is recommended and that it is an integral part of the school program.

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

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

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

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

*Education Code 29.056(a), (d); 19 TAC 89.1220(~~kj~~), (m), .1240(a)*

PARTICIPATION OF  
NON-LEP  
STUDENTS

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

BILINGUAL AND ESL  
PROGRAMS

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

- 1. Kindergarten through elementary grades: a district shall ~~offer bilingual education~~ provide a bilingual education program by offering dual language instruction using one of the four bilingual program models described in 19 Adminis-**



PROGRAM  
CONTENT

**trative Code 89.1210(d). [See BILINGUAL EDUCATION PROGRAM MODELS, below]**

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

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

*Education Code 29.053(c), (d), ~~29.054~~; 19 TAC 89.1205*

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

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

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

**A district shall provide for ongoing coordination between the ESL program and the regular educational program. The ESL program shall address the affective, linguistic, and cognitive needs of ELLs as described at 19 Administrative Code 89.1210(f).**

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

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

A district shall modify the instruction, pacing, and materials of bilingual and ESL programs to ensure that ELLs have a full opportunity to master the essential knowledge and skills of the required curriculum. Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their home language or in English for each content area.

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

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

*Education Code 29.055, ~~29.057(b)~~; 19 TAC 89.1210(~~ga~~)*

**BILINGUAL  
EDUCATION  
PROGRAM  
MODELS**

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

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

*19 TAC 89.1210(d)*

**ESL PROGRAM  
MODELS**

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

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

*19 TAC 89.1210(g)*

**DUAL LANGUAGE  
IMMERSION  
PROGRAM (DLIP)**

"Dual language immersion" is an educational approach in which students learn two languages in an instructional setting that integrates subject content presented in English and an-

	<p>other language. Models vary depending on the amount of each language used for instruction at each grade level. The program must be based upon instruction that adds to the student's first language. The implementation of a dual language immersion program (DLIP) model is optional. <i>19 TAC 89.1203</i></p> <p>A district may adopt a DLIP for students enrolled in elementary school grades. <i>Education Code 28.005(c), .0051(c)</i></p>
IMPLEMENTATION	<p>Program implementation should:</p> <ol style="list-style-type: none"><li>1. Begin at prekindergarten, kindergarten, or grade 1, as applicable;</li><li>2. Continue without interruption incrementally through the elementary grades whenever possible; and</li><li>3. Consider expansion to middle school and high school whenever possible.</li></ol> <p><i>19 TAC 89.1227</i></p>
MINIMUM REQUIREMENTS	<p>A DLIP must:</p> <ol style="list-style-type: none"><li>1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.</li><li>2. Be a full-time program of academic instruction in English and another language.</li><li>3. Provide a minimum of 50 percent of instructional time in the language other than English.</li><li>4. Be developmentally appropriate and based on current best practices research.</li></ol> <p><i>19 TAC 89.1227</i></p>
ENROLLMENT	<p>Student enrollment in a DLIP is optional. The program must fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or handicapping condition. A district must obtain written parental approval for student participation in the program sequence and model established by the district.</p> <p>A district implementing a DLIP must develop a policy on enrollment and continuation for students in the program. The policy must address:</p>

	<ol style="list-style-type: none"><li>1. Eligibility criteria;</li><li>2. Program purpose;</li><li>3. Grade levels in which the program will be implemented;</li><li>4. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and</li><li>5. Expectations for students and parents.</li></ol>
EVALUATION	<p><b>19 TAC 89.1228</b></p> <p>A district implementing a DLIP must conduct annual formative and summative evaluations collecting a full range of data to determine program impact on student academic success.</p> <p>The success of a DLIP is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas essential knowledge and skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.</p>
SCHOOL DISTRICT RECOGNITION	<p><b>19 TAC 89.1267</b></p> <p>An exceptional DLIP may be recognized by the board using the following criteria:</p> <ol style="list-style-type: none"><li>1. The district must exceed the minimum requirements stated in 19 Administrative Code 89.1227.</li><li>2. The district must not receive the lowest performance rating in the state accountability system.</li><li>3. The district must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the performance-based monitoring system.</li><li>4. The district must meet the adequate yearly progress participation and performance criteria in reading and mathematics for the ELL student group under Elementary and Secondary Education Act (ESEA) regulations.</li></ol>
STUDENT RECOGNITION	<p>A student participating in a DLIP may be recognized by the program and the board using the following criteria:</p> <ol style="list-style-type: none"><li>1. The student must meet or exceed statewide student assessment passing standards in all subject areas at the appropriate grade level.</li></ol>

	<p><b>2. The student must meet or exceed expected levels of language proficiency on a recognized language proficiency test from the list of tests approved by the Commissioner.</b></p> <p><b>19 TAC 89.1269</b></p>
FACILITIES	<p>Bilingual education and special language programs shall be located in a district's regular schools rather than in separate facilities. A district may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent LEP students. <b>Recent immigrant ELLs enrolled in newcomer centers shall return to home campuses no later than two years after initial enrollment in a newcomer program.</b> <i>Education Code 29.057; 19 TAC 89.1235</i></p>
COOPERATION AMONG DISTRICTS	<p>A district may join with one or more other districts to provide the required bilingual and special education programs. The availability of the programs shall be publicized throughout the districts involved.</p> <p>A district may allow a nonresident LEP student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district of residence.</p> <p><b>Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls.</b></p> <p><i>Education Code 29.059; 19 TAC 89.1220(I)</i></p>
SUMMER PROGRAM	<p>If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.</p> <p>A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the board.</p> <p>The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.</p>
OTHER PROGRAM	<p>A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special lan-</p>

guage programs for LEP students and may join with other districts in establishing such programs.

Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.

*Education Code 29.060*

PERSONNEL

Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. *Education Code 29.061(b), (c)*

If a district is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the district may file an application for exception with TEA, in accordance with 19 Administrative Code 89.1207.

*Education Code 29.054; 19 TAC 89.1207*

LEP STUDENTS AND  
STATE ASSESSMENTS

In grades 3–12, an LEP student shall participate in the **state** assessment ~~of academic skills~~ in accordance with Commissioner's rules at **19 Administrative Code 101.5 and** 19 Administrative Code Chapter 101, Subchapter AA. *19 TAC 101.5(c)* [See EKBA]

PROGRAM EXIT

A district may transfer an LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

*Education Code 29.056(g)*

NOTICE TO  
PARENTS

A district shall notify parents of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program. *19 TAC 89.1240(b)*

POST-EXIT  
MONITORING

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

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

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

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

*Education Code 29.0561*

PEIMS REPORTING  
REQUIREMENTS

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

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

*Education Code 29.066(a)*





GRADE  
ADVANCEMENT  
REQUIREMENTS

School districts shall implement grade advancement requirements in accordance with 19 Administrative Code Chapter 101, Subchapter BB and the TEA procedures outlined in the official Grade Placement Committee (GPC) Manual, published annually by TEA.

NOTICE

As specified in 19 Administrative Code 101.9, a superintendent shall notify parents or guardians of the grade advancement requirements at the beginning of the school year.

*19 TAC 101.2001(a), .2009(a)*

PROMOTION

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. *Education Code 28.021(a)* [See EI]

In determining promotion, a district shall consider:

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

*Education Code 28.021(c)*

In addition to local policy relating to grade advancement, students in grades 5 and 8 must demonstrate proficiency by meeting the passing standard on the appropriate assessment instrument listed at GRADE ADVANCEMENT TESTING or on a state-approved alternate assessment.

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

1. The student has completed the required accelerated instruction under 19 Administrative Code 101.2006;
2. The student's GPC determines by unanimous decision, in accordance with the standards for promotion established by the board, that the student is likely to perform at grade level at the end of the next year given additional accelerated instruction. In accordance with Education Code 28.021, to determine grade promotion, a district is required to consider:
  - a. The recommendation of the student's teacher,
  - b. The student's grades,

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

*19 TAC 101.2001(b)*

A student does not have a property interest in promotion. *Education Code 28.0211(e)*

NOTICE

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

RETENTION

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

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

GRADE  
ADVANCEMENT  
TESTING

A district shall test eligible students in accordance with the grade advancement requirements set forth below.

ELIGIBLE  
STUDENTS

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

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

A district must provide the student the opportunity to test and access to accelerated instruction.

*19 TAC 101.2003(b)–(c)*

REQUIRED  
ASSESSMENT

A student may not be promoted to:

1. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or
2. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments. This applies to the assessment ~~instrument~~**instruments** administered to students in eighth grade beginning with the 2007–08 school year.

*Education Code 28.0211(a); 19 TAC 101.9*

EXCEPTION

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

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

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

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

TEST SCHEDULE

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

1. Each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and

2. Each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation, including an alternate assessment, so that the GPC has sufficient evidence for its review upon appeal by a parent or guardian.

*19 TAC 101.2005(b)–(c)*

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

NOTICE OF GRADE  
ADVANCEMENT  
TESTING  
REQUIREMENTS

A superintendent shall be responsible for:

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

*19 TAC 101.13(b)*

UNSATISFACTORY  
PERFORMANCE ON  
ASSESSMENT  
INSTRUMENTS

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) ~~in the third, fourth, fifth, sixth, seventh, or eighth grade~~, (b), or (c) [see EKB], the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the GPC manual, published annually by TEA, which districts may use for developing accelerated instruction.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

A school district must accommodate the request of an out-of-district student to participate in any established, on-campus sum-

mer accelerated instruction program, provided the student is living away from his or her home district and the program matches the accelerated instruction prescribed by the student's GPC.

*Education Code 28.0211(a-1); 19 TAC 101.2001(c), .2006(a)–(d)*

UNSATISFACTORY  
PERFORMANCE  
ON GRADE  
ADVANCEMENT TESTS

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

ACCELERATED  
INSTRUCTION

Each time a student fails to perform satisfactorily on a grade advancement test, a district shall provide the student with accelerated instruction in the applicable subject area. A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable assessment. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class. The accelerated instruction must satisfy the standards found in 19 Administrative Code 101.2006. [See UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS, above] *Education Code 28.0211(c); 19 TAC 101.2006(e)(1)*

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

NOTICE TO  
PARENTS OF  
PERFORMANCE  
AND ACCELERATED  
INSTRUCTION

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

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

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

*Education Code 28.0211(d), (h)*

AFTER EARLY  
IDENTIFICATION OF  
AT-RISK STUDENTS  
NOTICE

A district shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the assessment required for grade advancement the next year. A superintendent shall establish the instruments/procedures to be used to make this determination. This notice shall include accelerated instruction participation requirements as stipulated by 19 Administrative Code 101.2006 and be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

AFTER FIRST  
TESTING  
OPPORTUNITY  
NOTICE

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

AFTER SECOND  
TESTING  
OPPORTUNITY  
NOTICE

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

GRADE  
PLACEMENT  
COMMITTEE

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

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

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

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

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

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

ALTERNATE  
ASSESSMENT

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



date of the third administration of the statewide assessment.  
*19 TAC 101.2011(a)–(b)*

PARENTAL  
WAIVER

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

AFTER THIRD  
TESTING  
OPPORTUNITY  
NOTICE

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

RETENTION AND  
APPEAL

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

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

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

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the board and made in conformance with procedures specified in the GPC manual and



as required by 19 Administrative Code 101.2001(b). These standards must include consideration of the following:

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

*19 TAC 101.2007(f)*

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

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

A student who is promoted to the next grade level must complete accelerated instruction required under Education Code 28.0211(a-1) [see UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS, above] before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted. *Education Code 28.0211(a-2); 19 TAC 101.2006(e)(2)*

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

TRANSFER STUDENTS

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

LIMITED ENGLISH  
PROFICIENT (LEP)  
STUDENTS

The language proficiency assessment committee (LPAC) shall determine appropriate assessment and accelerated instruction for a limited English proficient (LEP) student who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.~~404~~**1005**. The GPC for a LEP student shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)*

SPECIAL EDUCATION STUDENTS	A student who is receiving special education services, including a LEP student, who is enrolled in grade 5 or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing as outlined in the official GPC manual. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and accelerated instruction for the student. Decisions regarding assessments for LEP students who receive special education services shall be made by the ARD committee in conjunction with the LPAC. <i>Education Code 28.0211(i); 19 TAC 101.2003(d), (f)</i>
DYSLEXIC STUDENTS WITH DYSLEXIA	In measuring the academic achievement or proficiency of a student who <del>is dyslexic</del> <b>has dyslexia</b> , the student's potential for achievement or proficiency in the area must be considered. <i>Education Code 28.021(b); 19 TAC 101.2003(g)</i> [See policies at EHB, EKB, and FB]
AGE-APPROPRIATE ASSIGNMENT	A board may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, a board may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus. <i>19 TAC 101.2019(b)</i>
TRANSPORTATION TO ACCELERATED INSTRUCTION PROGRAMS	A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. <i>Education Code 28.0211(j); 19 TAC 101.2006(b)</i>
OPTIONAL EXTENDED-YEAR PROGRAM	<p>A student who does not meet district standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level shall be eligible for services under the optional extended-year program. <i>19 TAC 105.1001(c)</i> [See EHBC]</p> <p>A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the</p>

district shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

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

*Education Code 29.082(e)–(f)* [See EHBC]



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

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

*Education Code 28.025(c); 19 TAC 101.4001(a)*

POSTHUMOUS  
DIPLOMA

Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student’s parent, a 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

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

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

*Education Code 28.0251*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

DIPLOMA /  
TRANSCRIPT /  
CERTIFICATE OF  
COURSEWORK  
COMPLETION

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

SPECIAL  
EDUCATION  
STUDENTS

A student receiving special education services who successfully completes the requirements of his or her IEP shall receive a high school diploma. *19 TAC 101.7(c)*

PERSONAL  
GRADUATION  
PLAN (PGP)

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

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

A PGP must:

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

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

1. Promotes college and workforce readiness;
2. Promotes career placement and advancement; and

3. Facilitates the student's transition from secondary to postsecondary education.

*Education Code 28.0212*

STUDENTS  
RECEIVING  
SPECIAL  
EDUCATION  
SERVICES

For a student receiving special education services, the student's admission, review, and dismissal (ARD) committee and the district are responsible for developing the student's PGP.

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

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

EARLY GRADUATION

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

STATE GRADUATION  
REQUIREMENTS

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

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**Note:** For current state graduation requirements, including those for students who entered grade 9 before the 2004–05 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [www.tea.state.tx.us/rules/tac/chapter074/ch074b.html](http://www.tea.state.tx.us/rules/tac/chapter074/ch074b.html) [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=19&pt=2&ch=74](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=19&pt=2&ch=74).

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MINIMUM HIGH  
SCHOOL PROGRAM

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

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

	A student agreeing to take courses under the Minimum High School Program may, upon request, resume taking courses under the Recommended High School Program.
STUDENTS WITH DISABILITIES	If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.
NOTICE	Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the Minimum High School Program, a district must provide the written notice developed by TEA to the parent or person standing in parental relation explaining the benefits of the Recommended High School Program.
APPLICABILITY	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.  <i>Education Code 28.025(b), (b-6), (b-8); 19 TAC 74.51(d), .52–.54, .61(c)–(e), .62–.64</i>
REQUIREMENTS	A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.52. A student who entered grade 9 in <b>the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62. A student who entered grade 9 in the 2012–13 school year</b> or thereafter must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74. <del>62</del> <b>72</b> . 19 TAC 74.52, .62, <b>.72</b>
RECOMMENDED HIGH SCHOOL PROGRAM	A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.53.  A student who entered grade 9 in the 2007–08, <b>2008–09, 2009–10, 2010–11, or 2011–12</b> school year <del>or thereafter</del> 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.  <b>A student who entered grade 9 in the 2012–13 school year or thereafter must earn at least 26 credits to complete the Recommended High School Program. A student must demon-</b>



	<p><b>strate proficiency in the program requirements listed at 19 Administrative Code 74.73.</b></p> <p><i>Education Code 28.025; 19 TAC 74.53, .63, .73</i></p>
ADVANCED / DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.54.</p> <p>A student who entered grade 9 in the 2007–08, <b>2008–09, 2009–10, 2010–11, or 2011–12</b> school year <del>or thereafter</del> 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.</p> <p><b>A student who entered grade 9 in the 2012–13 school year or thereafter must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.</b></p> <p><i>Education Code 28.025; 19 TAC 74.54, .64, .74</i></p>
CURRICULUM MAY NOT VARY	<p>A district may not vary the curriculum for a course in the required curriculum based on whether a student is enrolled in the Minimum, Recognized, or Advanced/Distinguished Achievement High School Program. <i>Education Code 28.004(q)</i></p>
SUBSTITUTIONS	<p>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. <i>19 TAC 74.53(d), .54(e), .63(d), .64(e), .73(d), .74(e)</i></p>
AP OR IB COURSES	<p>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. <i>19 TAC 74.51(h), .61(k), .71(i)</i></p>
READING	<p>A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:</p> <ol style="list-style-type: none"> <li>1. Adopts policies to identify students in need of additional reading instruction;</li> <li>2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and</li> </ol>

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

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

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

COLLEGE  
COURSES

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

PHYSICAL  
EDUCATION  
SUBSTITUTIONS

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

OTHER PHYSICAL  
ACTIVITY

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

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

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

- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

RESTRICTIONS 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

~~In accordance with State Board of Education (SBOE) rules, a~~ student who is unable to participate in physical activity due to disability or illness ~~is allowed to~~ may substitute ~~one an academic elective credit in English language arts, mathematics, science, or social studies or one academic elective credit~~ 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. ~~If~~ The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
4. ~~The committee established for the student's ARD committee;~~
- 5.2. ~~If~~ 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 ~~Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, the committee established for the student under that Act;~~ or
- 6.3. ~~If each of the described committees is inapplicable, a~~ A committee, established by the ~~school district~~ 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 74.52(b)(7), .53(b)(7), .54(b)(7), .62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)*

TRANSFERS FROM  
OUT-OF-STATE OR  
NONPUBLIC SCHOOLS

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

## PREREQUISITES

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

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

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

**19 TAC 74.71(k), (l)**

## PRIOR COURSES

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

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

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

*19 TAC 74.61(f), (m)*

GRADUATION OF  
SPECIAL EDUCATION  
STUDENTS

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

COMPLETION OF  
GENERAL  
EDUCATION  
REQUIREMENTS

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

COMPLETION OF  
IEP

3. The student has satisfactorily completed the state's or district's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions, consistent with the IEP:
  - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;

- b. Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school 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 CFR 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 CFR 300.305(e) shall be included as part of the summary. Students who participate in graduation ceremonies but who are not graduating under 19 Administrative Code 89.1070(b)(3) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(c)–(d)*

GRADUATION OF  
MILITARY  
DEPENDENTS

COURSE WAIVER

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

TRANSFERS  
DURING SENIOR  
YEAR

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

member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

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]*





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

## SECTION F: STUDENTS

FA	STUDENT GOALS AND OBJECTIVES
FB	EQUAL EDUCATIONAL OPPORTUNITY
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FFFD	Bicycle/Automobile Use
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FFI	Freedom from Bullying
FG	STUDENT AWARDS AND SCHOLARSHIPS

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## SECTION F: STUDENTS

FH	STUDENT VOLUNTEERS
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FLA	Confidentiality of Student Health Information
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FOA	Removal by Teacher
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FOC	Placement in a Disciplinary Alternative Education Setting
FOCA	Disciplinary Alternative Education Program Operations
FOD	Expulsion
FODA	Juvenile Justice Alternative Education Program
FOE	Emergency and Alternative Placement
FOF	Students with Disabilities
FP	STUDENT FEES, FINES, AND CHARGES

ADMISSIONS  
INTERDISTRICT TRANSFERS

FDA  
(LEGAL)

AGREEMENT BETWEEN DISTRICTS	<p><del>The Board</del><b>A board</b> may, by means of a mutual agreement with the board of an adjoining district, transfer any student to the jurisdiction of that adjoining district. All transfers shall be made pursuant to the requirements of Education Code 25.032-<del>25.-</del>.034. The <del>Board</del><b>board</b>, together with the board of the adjoining district, shall agree to the transfer of school funds proportionate to the transfer of attendance when such interdistrict transfers are made. <i>Education Code 25.035</i></p>
INITIATED BY STUDENT OR PARENT	<p>Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant's parent, guardian, or person having lawful control agree in writing to the transfer. <i>Education Code 25.036</i> [See also FD]</p>
BASIS FOR TRANSFER	<p><del>The Board</del><b>A board</b> or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student's ancestral language. <i>Education Code 25.032</i> [See FDAA]</p>
FUNDING FOR TRANSFERS	<p>Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student's attendance prior to the date of transfer shall be counted by the sending district and the student's attendance after transfer shall be counted by the receiving district. <i>Education Code 25.037</i></p>
OTHER TRANSFERS CONTRACTS FOR EDUCATION OUTSIDE DISTRICT	<p>* A district may contract with one or more accredited districts to educate students whose grades are not taught in the district. [See TUITION, below] <i>Education Code 25.039</i></p> <p>* (Optional provision, applies only to districts that are not <del>K-</del><b>kindergarten-grade</b> 12)</p>
TRANSFERS TO ADJOINING STATES	<p>** Any student who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states, may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district. <i>Education Code 25.040</i></p>

\*\* (Optional provision, restricted to districts located on the border of an adjoining state)

TUITION

A receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. *Education Code 25.038*

TUITION FOR  
EDUCATION  
OUTSIDE DISTRICT

A district that does not offer each grade, ~~K-kindergarten~~-grade 12, shall pay tuition to any accredited district with which it has a contract to educate students in grades not taught in the home district. If a district has contracted for students to attend another district(s), it shall not be required to pay tuition to any district with which it has not contracted. A contract under this section may not be for a period exceeding five years.

The amount of tuition paid may not exceed the greater of:

1. The amount by which a district's actual expenditure per student in average daily attendance exceeds the sum the district receives from state aid sources, as provided by ~~Section~~**Education Code** 25.037. However, a district may not charge more than the tuition charge for the preceding school year unless a tuition fee is set out in a transfer agreement; or
2. The calculated tuition limit specified by Commissioner's rule.

Under the Commissioner's rule, tuition charged to the home district for a transfer student in payment for that student's education may not exceed the receiving district's calculated tuition limit. The calculated tuition limit applies only to tuition paid to a receiving district for the education of a student at a grade level not offered in the home district.

The calculated tuition limit is the sum of the excess **maintenance and operations (M&O)** revenue per enrollee, **and** the excess debt revenue per enrollee, ~~and the base tuition limit,~~ as calculated in accordance with 19-~~TAC~~ **Administrative Code** 61.1012(b).

*Education Code 25.038, ~~25.039~~; 19 TAC 61.1012*

CREDITS AND  
RECORDS

Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or aca-

demic records from the district the student previously attended.  
*19 TAC 74.26(a)(1)*

NONPUBLIC  
SCHOOLS

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



STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT CONDUCT

FNC  
(LEGAL)

DISCIPLINE  
MANAGEMENT  
PROGRAM

Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under ~~Section~~ **Education Code** 11.252. [See BQ] The ~~plan~~**program** must provide for prevention of and education concerning unwanted physical or verbal aggression, **and** sexual harassment, ~~and other forms of bullying~~ in school, on school grounds, and in school vehicles. *Education Code 37.083(a)*





STUDENT RIGHTS AND RESPONSIBILITIES  
INTERROGATIONS AND SEARCHES

FNF  
(LEGAL)

SEARCHES OF  
STUDENTS

Students shall be free from unreasonable searches and seizures by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. Coercion, either expressed or implied, such as threatening to contact parents or police, invalidates apparent consent. *U.S. Const., Amend. 4.; New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733 (1985); *Jones v. Latexo Indep. Sch. Dist.*, 499 F.Supp. 223 (1980)

A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

*New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733 (1985)

RANDOM DRUG  
TESTING

Whether a particular search is reasonable is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Thus, the reasonableness of a random student drug-testing policy is determined by balancing the following factors:

1. The nature of the privacy interest compromised by the drug-testing policy.
2. The character of the intrusion imposed by the drug-testing policy.
3. The nature and immediacy of the governmental interests involved and the efficacy of the drug-testing policy for meeting them.

*Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 115 S.Ct. 2386 (1995) (upholding a policy requiring urinalysis drug testing as a condition of participating in athletics); *Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls*, 122 S.Ct. 2559 (2002) (upholding a policy requiring urinalysis drug testing as a condition of participating in competitive extracurricular activities)

STUDENT RIGHTS AND RESPONSIBILITIES  
INTERROGATIONS AND SEARCHES

FNF  
(LEGAL)

SEARCHES OF  
TELECOMMUNICA-  
TIONS /  
ELECTRONIC  
DEVICES

A person is prohibited from obtaining, altering, or preventing au-  
thorized access to a wire or electronic communication while it is in  
electronic storage by:

1. Intentionally accessing without authorization a facility through  
which an electronic communication service is provided; or
2. Intentionally exceeding an authorization to access that facility.

EXCEPTIONS

This section does not apply with respect to conduct authorized:

1. By the person or entity providing a wire or electronic commu-  
nications service;
2. By a user of that service with respect to a communication of  
or intended for that user; or
3. By sections 18 U.S.C. 2703, 2704, or 2518.

*18 U.S.C. 2701(a), (c)*

ELECTRONIC  
COMMUNICATION

“Electronic communication” means any transfer of signs, signals,  
writing, images, sounds, data, or intelligence of any nature trans-  
mitted in whole or in part by a wire, radio, electromagnetic, photo-  
electronic or photooptical system that affects interstate or foreign  
commerce. *18 U.S.C. 2510(12)*

ELECTRONIC  
STORAGE

“Electronic storage” means:

1. Any temporary, intermediate storage of a wire or electronic  
communication incidental to the electronic transmission  
thereof; and
2. Any storage of such communication by an electronic commu-  
nication service for purposes of backup protection of such  
communication.

*18 U.S.C. 2510(17)*

Messages that have been sent to a person, but not yet opened, are  
in temporary, intermediate storage and are considered to be in  
electronic storage. See Steve Jackson Games, Inc. v. United  
States Secret Service, 36 F.3d 457 (5th Cir. 1994). Electronic  
communications that are opened and stored separately from the  
provider are considered to be in post-transmission storage, not  
electronic storage. See Fraser v. Nationwide Mut. Ins. Co., 352  
F.3d 107 (3d Cir. 2004).

USE OF TRAINED  
DOGS

Trained dogs’ sniffing of cars and lockers does not constitute a  
search under the Fourth Amendment. The alert of a trained dog to  
a locker or car provides reasonable cause for a search of the lock-  
er or car ~~only~~ if the dog is reasonably reliable in indicating that con-

traband is currently present. **A district need not show that the dog is infallible or even that it is reliable enough to give probable cause.**

Trained dogs' sniffing of students does constitute a search and requires individualized reasonable suspicion.

Horton v. Goose Creek Indep. Sch. Dist., 690 F.2d 470 (5th Cir. 1982)



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

## SECTION G: COMMUNITY AND GOVERNMENTAL RELATIONS

GA ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GB PUBLIC INFORMATION PROGRAM

GBA Information Access

GBAA Requests for Information

GBB School Communications Program

GBBA News Media Relations

GC PUBLIC NOTICES

GE RELATIONS WITH PARENT ORGANIZATIONS

GF PUBLIC COMPLAINTS

GK COMMUNITY RELATIONS

GKA Conduct on School Premises

GKB Advertising and Fund Raising in the Schools

GKC Visitors to the Schools

GKD Nonschool Use of School Facilities

GKDA Distribution of Nonschool Literature

GKE Business, Civic, and Youth Groups

GKF Cultural Institutions

GKG School Volunteer Program

GN RELATIONS WITH EDUCATIONAL ENTITIES

GNA Other Schools and Districts

GNB Regional Education Service Centers

GNC Colleges and Universities

GND State Education Agency

GNE Education Accreditation Agencies

GR RELATIONS WITH GOVERNMENTAL ENTITIES

GRA State and Local Governmental Authorities

GRAA Law Enforcement Agencies

GRAC Juvenile Service Providers

GRB Interlocal Cooperation Contracts

GRC Emergency Management



PROGRAM  
REQUIREMENTS AND  
GUIDELINES

A district shall develop a volunteer program. In developing the program, a district shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, a district shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

*Gov't Code 2109.004(a)*

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by a district.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed \$75 per person in value to recognize special achievement and outstanding service of volunteers.

*Gov't Code 2109.004(b)*

CRIMINAL HISTORY  
RECORD

A volunteer may not perform any volunteer duties until:

1. The volunteer has provided to a district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government; and
- 2. The district has obtained from the Texas Department of Public Safety (DPS) all criminal history record information that relates to the volunteer. A district may obtain a volunteer's criminal history record information from any other law enforcement agency, criminal justice agency, or private consumer reporting agency.**

APPLICABILITY	<del>This section applies</del> <b>The criminal history record review requirements apply</b> to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with a district or shared services arrangement. <del>[See DBAA for definitions and provisions regarding confidentiality, consumer credit reports, records retention, and criminal history record checks of employees]</del>
EXCEPTION	<del>This section does</del> <b>The criminal history record review requirements do</b> not apply to a person who volunteers or is applying to volunteer with a district or shared services arrangement if the person:  <ol style="list-style-type: none"><li>1. Is the parent, guardian, or grandparent of a child who is enrolled in the district <del>or school</del> for which the person volunteers or is applying to volunteer;</li><li>2. Will be accompanied by a <del>school</del> district employee while on a school campus; or</li><li>3. Is volunteering for a single event on the school campus.</li></ol> <p>A district may obtain all criminal history record information that relates to an individual listed <del>in this subsection, however</del><b>above</b>.</p>
<del>CRIMINAL HISTORY</del>	<del>A volunteer may not perform any volunteer duties until:</del>  <del>1. The volunteer has provided to a district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government; and</del>  <del>2. The district has obtained from the Texas Department of Public Safety (DPS) and may obtain from any other law enforcement agency, criminal justice agency, or private consumer reporting agency all criminal history record information that relates to a volunteer.</del>
COSTS	<p>A district may require a volunteer or volunteer applicant to pay any costs related to obtaining criminal history record information <del>under this section</del>.</p> <p><i>Education Code 22.0835</i></p> <p>[See DBAA(LEGAL) for <b>definitions and provisions regarding confidentiality of, records retention, and</b> criminal history record <del>information obtained from DPS</del><b>checks of employees.</b>]</p>
<del>VOLUNTEER</del> IMMUNITY GENERALLY	<p>A volunteer who is serving as a direct service volunteer in a district is immune from civil liability to the same extent as a district employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.</p>



A “volunteer” is a person rendering services for or on behalf of a district on district premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

*Education Code 22.053*

EXTRACURRICULAR  
ACTIVITIES

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

PHYSICAL  
EXAMINATIONS

Subject to Civil Practices and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health care practitioner was acting in good faith and in the course and scope of the health-care practitioner’s duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
  - a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
  - b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

If the patient is a minor or is otherwise legally incompetent, the patient’s parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

*Civil Practice & Remedies Code 91.002*

COMMUNITY RELATIONS  
SCHOOL VOLUNTEER PROGRAM

GKG  
(LEGAL)

IMMUNITY FOR  
SHELTER  
WORKERS

A district volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006, 431.085*

~~VOLUNTEER~~  
TRAINING –  
CONCUSSION  
OVERSIGHT TEAM

| A licensed health care professional who serves on a volunteer basis on a district's concussion oversight team [see FM] must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. In addition, the professional shall, at least once every two years, take a course in the subject matter of concussions approved by the University Interscholastic League (UIL), the Texas Department of State Health Services Advisory Board of Athletic Trainers, or the appropriate licensing authority for the profession.

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

*Education Code 38.154, .158*