

# Localized Policy Manual

## *Update 80*

Coppell ISD

Localized Update 80 addresses changes in the legal context that have arisen since the conclusion of the third called session of the 79th Legislature. For further information regarding the scope of Update 80, please refer to the ***Vantage Points*** (described below) and the code-by-code Explanatory Notes found in this packet.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

To better focus board attention and expedite its review, your Localized Update 80 packet contains:

***Vantage Points—A Board Member’s Guide to Update 80***, copies of which may be found in the separately wrapped package accompanying this packet. ***Vantage Points*** offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Your Localized Update, which includes:

**INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.

**EXPLANATORY NOTES** . . . summarizing changes to the policies in each code and how those changes affect your policy manual. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy continues to reflect your current practice and to advise us of changes needed** so that our records and your manual accurately track the district’s actual practice.

Update 80 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this Update, please call your Policy Consultant/Analyst, Amy Kadlecek, at 800-580-7529 or 512-467-0222.

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## Regarding board action on Update 80 . . .

Board action on Localized Update 80 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 80, affecting (LOCAL) policies (see attached list).” Using the Instruction Sheet as a guide, create and attach to the posting a list of the (LOCAL) policy codes added, revised, or deleted **and the titles/subtitles of those policies**. BoardBook compilers should use “Policy Update 80, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.

An appropriate motion for board action on Localized Update 80 is as follows:

*“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 80 [with the following changes:]”*

The board’s action on Localized Update 80 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded **(LOCAL)** policies.

In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the **Policy Administrator’s Guide** at [https://www.tasb.org/docs-mytab/gov\\_svcs/policy\\_svc/adminguide/policy\\_admin\\_guide.pdf.cfm](https://www.tasb.org/docs-mytab/gov_svcs/policy_svc/adminguide/policy_admin_guide.pdf.cfm).

## Regarding manual maintenance and administrative regulations . . .

**Notify your Policy Consultant/Analyst of any changes made by the board so that Policy Service records—forming the basis for these and subsequent updating recommendations—exactly mirror your manual.**

The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. If the district uses *Policy On Line*, you will need to notify us of the board’s action on Update 80 so that your district’s Localized Policy Manual as it appears on TASB’s Web server can be updated. *Policy On Line* staff may be reached by phone (800-580-7529 or 512-467-0222), fax (512-467-3618, using the tan form enclosed), e-mail (pol-support@tasb.org), or Internet feedback form (<http://www.tasb.org/policy/pol/private/polfdbk.html>).

Administrative procedures and documents—including formal REGULATIONS, handbooks, and guides—that may be affected by Update 80 policy changes should be inspected and revised as needed. If the district routinely submits REGULATIONS to Policy Service for processing or desires that the updated REGULATION be included in the district’s *Policy On Line* manual, please submit these changes to your Policy Consultant/Analyst at your earliest convenience.

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**PLEASE NOTE:** This Localized Update packet and the Update 80 **Vantage Points** may not be considered as legal advice and are not intended as a substitute for the advice of the board’s own legal counsel.

# Instruction Sheet

## TASB Localized Policy Manual Update 80

District      Coppel ISD

<b>Code</b>	<b>Action To Be Taken</b>	<b>Note</b>
A25 (INDEX)	Replace cross-index	Revised cross-index
BA (LEGAL)	Replace policy	Revised policy
BBFA (LEGAL)	Replace policy	Revised policy
BBFA (LOCAL)	ADD policy	See explanatory note
BBFB (LEGAL)	Replace policy	Revised policy
BQA (LEGAL)	Replace policy	Revised policy
BQB (LEGAL)	Replace policy	Revised policy
CMD (LEGAL)	Replace policy	Revised policy
CPC (LEGAL)	Replace policy	Revised policy
CPC (LOCAL)	Replace policy	Revised policy
CS (LEGAL)	Replace policy	Revised policy
D (LEGAL)	Replace table of contents	Revised table of contents
DBA (LEGAL)	Replace policy	Revised policy
DBA (LOCAL)	Replace policy	Revised policy
DBD (LEGAL)	Replace policy	Revised policy
DBD (LOCAL)	Replace policy	Revised policy
DBE (LEGAL)	Replace policy	Revised policy
DC (LOCAL)	Replace policy	Revised policy
DCD (LOCAL)	Replace policy	Revised policy
DEA (LEGAL)	Replace policy	Revised policy
DEAA (LEGAL)	ADD policy	See explanatory note
DEAA (LOCAL)	ADD policy	See explanatory note
DFBB (LOCAL)	Replace policy	Revised policy
DH (LOCAL)	Replace policy	Revised policy
DMA (LEGAL)	Replace policy	Revised policy
DN (LOCAL)	Replace policy	Revised policy
E (LEGAL)	Replace table of contents	Revised table of contents
EC (LEGAL)	Replace policy	Revised policy
EEJB (LOCAL)	Replace policy	Revised policy
EF (LEGAL)	Replace policy	Revised policy
EGA (LEGAL)	Replace policy	Revised policy
EHAC (LEGAL)	Replace policy	Revised policy

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EHBJ (LEGAL)	DELETE policy	See explanatory note
EHDD (LEGAL)	Replace policy	Revised policy
EIF (LEGAL)	Replace policy	Revised policy
EIF (LOCAL)	Replace policy	Revised policy
F (LEGAL)	Replace table of contents	Revised table of contents
FL (LEGAL)	Replace policy	Revised policy
FNCA (LOCAL)	Replace policy	Revised policy
GA (LEGAL)	Replace policy	Revised policy

# Explanatory Sheet

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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 2004.

Please bear in mind that the cross-index is “generic” and presents a structure that serves all these manuals; your policy manual may not address some of the topics shown and may not include some of the policies indicated. This cross-index is also a key element of *Policy On Line* wherein topics or policy codes in a local district’s manual are highlighted.

BA (LEGAL) BOARD LEGAL STATUS

This language, establishing the basic statutory authority of the board, has been revised to more closely track the Education Code sections cited.

BBFA (LEGAL) ETHICS  
CONFLICT OF INTEREST DISCLOSURES

On page 4 appears a new section, ANNUAL FINANCIAL MANAGEMENT REPORT, briefly presenting reporting requirements appropriate to this policy but addressed in greater detail in BR(LEGAL), revised at Update 79.

In accordance with updated Commissioner’s rules, effective August 13, 2006, the district must report:

- Categorized reimbursements to board members (and the superintendent) including transactions resulting from the use of the district’s credit card.
- Itemized compensation and/or fees received by the superintendent for professional consulting and other personal services.
- Certain gifts—having a value of \$250 or more in the aggregate over the fiscal year—from district vendors to board members and the superintendent, or to their immediate families.
- Business transactions between the district and board members.

BBFA (LOCAL) ETHICS  
CONFLICT OF INTEREST DISCLOSURES

Recently amended Commissioner’s rules now require the Annual Financial Management Report to include “summary schedules” of:

- Total reimbursements received by the superintendent and each board member for the fiscal year.
- Compensation and fees received by the superintendent for consulting or personal services to another district or any other entity for the fiscal year.
- Gifts to a district’s “executive officers” and board members that have an aggregate value of \$250 or more in the fiscal year IF the gifts—to the individual or his or her immediate family—were from an outside entity that received payments from the district in the prior fiscal year or from a competing vendor that was not awarded contracts in the prior fiscal year.

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(This requirement does not apply to travel-related expense reimbursements by an outside entity when the travel is directly related to official duties or continuing education.)

- Business transactions between the district and board members.

The enclosed (LOCAL) policy affirms the obligation of board members to provide this information on a timely basis to the district.

**Please note:** *Financial Accountability for School Officials*, published by TASB Legal Services to provide guidance on financial reporting requirements, is available from the TASB Store online at [www.tasb.org/store](http://www.tasb.org/store).

### BBFB (LEGAL) ETHICS PROHIBITED PRACTICES

For a more complete presentation of Penal Code provisions regarding ILLEGAL GIFTS to public servants, the seven EXCEPTIONS—found on page 2—have been added. They range from campaign contributions to gifts given independent of the recipient's status as a public servant.

**Please note:** While this policy focuses on legal restrictions on a public servant, Chapter 36 of the Penal Code also identifies offenses committed by anyone who attempts to coerce a public servant, tamper with a witness in an official proceeding, or obstruct or retaliate against a public servant.

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

New Commissioner's rules implementing a CAMPUS INCENTIVE PLAN—as directed by HB 1 from the third called session of the 79th Legislature—prompt the addition of that section on page 3. This new section provides an overview to address the necessary involvement of the district-level planning and decision-making committee in the application process. The rules are recited in full at BQB(LEGAL), in this update, and provide that:

- The plan should be designed to reward teachers who have a positive impact on improving student achievement, should meet all requirements of the Commissioner's rules, and should describe how grant funds will be distributed.
- The campus-level body developing the plan should reflect a "diverse and broad mix of teachers, including representation from different grade levels and subject areas."
- The district may provide guidance to the campus planning initiative.
- A campus implementing an approved plan may opt to renew its plan, contingent on available funding, for up to three additional years.
- In the absence of local policy delegating grant application responsibilities to the superintendent, the local board may either vote to submit a grant application or designate the superintendent to submit the application to TEA on its behalf, and the local board's decision may not be appealed to the Commissioner. [See policy DEAA(LEGAL)]

These rules became effective on January 9, 2007.

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BQB (LEGAL) PLANNING AND DECISION-MAKING PROCESS  
CAMPUS-LEVEL

As explained at BQA (LEGAL), above, new Commissioner's rules regarding CAMPUS INCENTIVE PLANS have been added on pages 3 and 4.

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

Provisions regarding TEXTBOOKS, on page 1, have been refined to more closely track statute. Those changes include:

- The legal requirement that textbooks be furnished without cost to students.
- The addition of nonadopted materials to the requirement in the second paragraph at REQUISITION, USE, AND DISTRIBUTION.
- Added provisions regarding the disposition of SURPLUS instructional materials, on pages 2–3.

**Please note:** These provisions are drawn from new State Board of Education rules, effective October 12, 2006, implementing the Educational Materials and Textbooks (EMAT) inventory system and specifically requiring districts to report surplus materials to TEA by October 1 of each year.

CPC (LEGAL) OFFICE MANAGEMENT  
RECORDS MANAGEMENT

Provisions addressing the destruction and preservation of records, as well as exceptions to the destruction of records for purposes of litigation and Public Information Act requests, have been added to pages 3 and 4 of this code from GBAA(LEGAL). These provisions pertain to the records management program and anchor text added to CPC(LOCAL) at this update.

CPC (LOCAL) OFFICE MANAGEMENT  
RECORDS MANAGEMENT

Provisions on the destruction and preservation of documents and the maintenance of Web site postings have been added to this policy.

The rapidly growing number of electronic records—from e-mail to documents on an electronic desktop—present an extraordinarily difficult task for the district's records management officer and technology coordinator from two perspectives:

- Addressing within the district's records management plan, just as with hardcopy records, which electronic records should be retained for a specific period of time, which are archival in nature, and which should be deleted when.
- Devising as efficient a method as possible for combing through these records to retrieve all documents whose content is related to a topic.

Recent amendments to the Federal Rules of Civil Procedure underscore the need to have such systems in place, specifically to respond to the discovery phase of litigation.

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As with paper documents, it is particularly important that in advance of pending or contemplated litigation the district establish procedures to preserve all documents—electronic or hardcopy alike—that may be the subject of discovery. A model administrative procedure is available in the **TASB Regulations Resource Manual**, available through myTASB, pointing to the need for coordination with the state library when developing records retention schedules for the district.

### CS (LEGAL) FACILITY STANDARDS

With Commissioner’s rules governing pre-2004 construction increasingly less relevant, the focus of this policy has shifted somewhat to emphasize current standards. Recitation of provisions regarding the pre-2004 facilities standards has been scaled back to a single paragraph on page 3; recitation of provisions regarding post-2004 standards have been augmented to include the definitions, on pages 1 and 2, of “educational program,” “educational specifications,” and “major space renovation.”

A significant difference between the old and new rules is certification requirement for architects, engineers, contractors, and the district itself. The full text of the post-2004 rules may be found at <http://www.tea.state.tx.us/rules/tac/chapter061/ch61cc.html>.

### D (LEGAL) PERSONNEL

Policy code DEA has been retitled “Salaries and Wages,” while DEAA—a new subordinate code created at this update—has been added to address “Incentives and Stipends.”

### DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

This policy has been revised throughout for clarity and to more closely track statutory language. Key changes are as follows:

- Provisions applicable to Master Teacher Grants, previously at this code, have been moved to DEAA, a new policy code, also found in this update.
- Commissioner’s rules regarding professional EMPLOYEE RECORDS have been added on page 7.
- ACCESS TO EMPLOYEE RECORDS, beginning on page 7, now includes the general privacy rule drawn from the Government Code.

### DBA (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

Provisions regarding master teacher stipends have been moved to the new DEAA(LOCAL) in this update. The remainder of the policy is unchanged.

### DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

As with BBFB(LEGAL), included in this update, Penal Code provisions regarding ILLEGAL GIFTS to public servants have been supplemented with the seven EXCEPTIONS found on page 2.

These provisions focus on legal restrictions on a public servant. Chapter 36 of the Penal Code also identifies offenses committed by anyone who attempts to coerce a public servant, tamper with a witness in an official proceeding, or obstruct or retaliate against a public servant.



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DBD (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

At ANNUAL FINANCIAL MANAGEMENT REPORT, we have added a new section requiring the superintendent, as the district's executive officer, to provide information necessary for the annual report in accordance with law.

**Please note:** *Financial Accountability for School Officials*, published by TASB Legal Services to provide guidance on financial reporting requirements, is available from the TASB Store online at [www.tasb.org/store](http://www.tasb.org/store).

DBE (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
NEPOTISM

Pages 1 and 2 of this policy have been revised for clarity and to more closely track statute where appropriate. Substantively, however, the policy is unchanged.

DC (LOCAL) EMPLOYMENT PRACTICES

DC is the umbrella code under which the district's employment policies are found. At this update, we have adjusted—at EMPLOYMENT OF CONTRACTUAL PERSONNEL—the phrasing regarding the superintendent's authority to more closely echo that of Education Code 11.163, found in your DC(LEGAL) policy. At EMPLOYMENT OF NONCONTRACTUAL PERSONNEL, we have clarified that the authority delegated to the superintendent includes employment and dismissal of at-will employees.

**Please note:** At CRIMINAL HISTORY RECORD, your current policy provides that the district obtain criminal history record (CHR) information on job applicants. If it is the district's practice to also obtain CHR information subsequent to employment, TASB attorneys recommend that such practice be supported by policy. Please contact your policy consultant/analyst for appropriate language.

DCD (LOCAL) EMPLOYMENT PRACTICES  
AT-WILL EMPLOYMENT

The board's decision whether to delegate the authority to employ and dismiss at-will employees is reflected at DC(LOCAL), also issued in this update. To avoid redundancy and ensure consistency between these two codes, we have streamlined the lead-in to the list of at-will positions.

At REASONABLE ASSURANCE OF EMPLOYMENT, we have revised the language to clarify that all **at-will** employees who are expected to return to work at the beginning of the next school year are to receive such notification.

DEA (LEGAL) COMPENSATION AND BENEFITS  
SALARIES AND WAGES

With the refocusing of DEA (Salaries and Wages) and the creation of DEAA (Incentives and Stipends), two provisions previously on the final pages of this policy—RETIREMENT INCENTIVES and ATTENDANCE SUPPLEMENT—are now more appropriately found at DEAA(LEGAL), included in this update.

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### DEAA (LEGAL) COMPENSATION AND BENEFITS INCENTIVES AND STIPENDS

This new policy was developed to gather together in a single code text regarding incentives and stipends and to encompass provisions for various incentive programs, as follows:

- TEXAS EDUCATOR EXCELLENCE GRANT on page 1. Established by HB 1 from the third called session of the 79th Legislature, the program provides an annual grant to a campus that has submitted an approved campus incentive plan for an incentive pay program to foster improved student achievement. Included are key provisions drawn from Commissioner's rules that became effective on January 9, 2007. Of particular note are provisions concerning:
  - local policy implications regarding application submission;
  - possible limitation to full-time teachers on a campus as of the program start date;
  - the size of the award (\$3,000 to \$10,000 per teacher, to the extent practicable);
  - the finality of the local board's determination regarding awards; and
  - the inclusion of appropriate language in teacher contracts with the caveat that the award is for performance and not a salary entitlement. (The TASB Model Contracts, available through myTASB under HR Services' Member Library, contain sample language in this regard.)

Further information about campus incentive plans underpinning the application may be found at BQA and BQB(LEGAL), included in this update.

- MENTOR TEACHERS, beginning on page 1. HB 1 also provides funding for stipends to mentoring teachers. Commissioner's rules implementing this incentive program have not yet been adopted, but the proposed rules may be found at <http://www.tea.state.tx.us/rules/commissioner/proposed/0207/153-1011-ltrprop.html>.
- MASTER TEACHER GRANT PROGRAMS. Previously found at DBA(LEGAL), this provision has been moved without change to pages 2 and 3 of this policy.

Concurrent with these changes, RETIREMENT INCENTIVES and ATTENDANCE SUPPLEMENT, both on page 3, have been recoded from DEA(LEGAL) in this update.

### DEAA (LOCAL) COMPENSATION AND BENEFITS INCENTIVES AND STIPENDS

Local policy provisions regarding the master grant programs, previously at DBA(LOCAL), have been moved, unchanged, to this new code.

A new provision, at EDUCATOR INCENTIVE PROGRAMS, has been added to delegate to the superintendent the authority to submit incentive plans and grant applications to TEA. This policy requirement is imbedded in new Commissioner's rules governing campus incentive plans and recited at DEAA(LEGAL) in this update.

### DFBB (LOCAL) TERM CONTRACTS NONRENEWAL

On pages 1 and 2 of the policy, those REASONS for nonrenewal of a term contract that pertain to certain violations of law have been revised as follows:

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- Item 14 now includes the employee's failure to report any indictment, no contest or guilty plea, or any other adjudication (for any felony or any crime involving moral turpitude) as well as any other offense listed at DH(LOCAL).
- Item 15 has been rephrased to include conviction or deferred adjudication of any other offense listed at DH(LOCAL).

At NOTICE OF PROPOSED RENEWAL OR NONRENEWAL, on pages 3 and 4, the language of the second paragraph has been redrafted to include, concurrently with the initial notice of proposed nonrenewal, notice to the employee of whether the board or an independent hearing examiner will conduct the hearing.

### DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

At ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS, beginning on page 2, the language of the introductory paragraph speaking to timely notification by the employee has been expanded to correspond to the range of offenses and the adjudication circumstances described at DFBB(LOCAL), above, and to include specific other offenses, as follows:

- Crimes involving school property or funds.
- Crimes involving an attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle a person to hold or obtain a position as an educator.
- Crimes that occur wholly or in part on school property or at a school-sponsored activity.

The list of offenses that constitute moral turpitude (item 4 on the new list of offenses) remains as before.

The district's locally developed text prohibiting discrimination has been retained, unaltered.

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

At EXCEPTIONS, on page 2, State Board of Education rules regarding waivers for exceptional circumstances have been revised to more fully express the rule.

Also on page 2 appears a new section addressing staff development requirements for VOLUNTEERS. State Board rules have long required volunteers who work with adult education program students to fulfill the same development requirements as program staff.

### DN (LOCAL) PERFORMANCE APPRAISAL

At DOCUMENTATION AND RECORDS, language addressing the retention period has been deleted to avoid potential conflicts with the district's records management plan.

### E (LEGAL) INSTRUCTION

With the merging of EHBJ ("Dual Language") into EGA ("Innovative and Magnet Programs"), EHBJ has become an inactive code and has been removed from the table of contents.

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### EC (LEGAL) SCHOOL DAY

Material pertaining to prekindergarten programs has been deleted here in favor of EHBG, a policy code specific to prekindergarten provisions.

### EEJB (LOCAL) INDIVIDUALIZED LEARNING CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

Provisions regarding FEES for examinations for acceleration have been revised. Parents may not under any circumstances be charged for such exams given on a district-specified uniform examination date or on an alternate date requested by parents.

At the district's discretion, if the parent prefers another examination from a source approved by the State Board of Education, the parent may purchase—and the district may administer—the exam preferred by the parent.

The district's locally developed provisions at RETESTING, FEES, CREDIT APPROVAL, and KINDERGARTEN ACCELERATION have been retained, unaltered.

### EF (LEGAL) INSTRUCTIONAL RESOURCES

As at CMD(LEGAL), the basic tenet of the state's textbook program—textbooks selected for use in the public schools shall be furnished to students without cost—has been added from the Education Code.

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

Provisions regarding DUAL LANGUAGE IMMERSION PROGRAMS, previously found at EHBJ(LEGAL), have been recoded to this policy.

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

At RESEARCH WRITING COMPONENT, on page 3, may be found the new State Board of Education requirement in that regard. Beginning with 2007–08 ninth graders, districts must ensure that at least one course required for the recommended and advanced high school programs includes a research writing component.

Prompted by HB 1 from the third called session of the 79<sup>th</sup> Legislature, this requirement became effective on January 9, 2007.

### EHBJ (LEGAL) SPECIAL PROGRAMS DUAL LANGUAGE

The EHB series of policies has been reserved for provisions pertaining to special populations. This policy on dual language immersion programs is more appropriately coded to EGA—Innovative and Magnet Programs.

Please delete EHBJ(LEGAL) in favor of the revised EGA(LEGAL) included in this update.

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EHDD (LEGAL) EXTENDED INSTRUCTIONAL PROGRAMS  
COLLEGE COURSE WORK/DUAL CREDIT

Changes are as follows:

- COLLEGE CREDIT PROGRAM, on page 1, has been added from HB 1 from the third called session of the 79<sup>th</sup> Legislature. Districts must implement, by fall 2008, a program permitting students to earn at least 12 college credit hours while in high school.
- DUAL CREDIT PROGRAMS, beginning of page 1, was extensively revised by the Higher Education Coordinating Board in 2003. The new rules simplified previous rules and eliminated the difference between concurrent credit (high school and junior college) and dual credit (high school and public university). The rules—and the PEIMS manual—require the college and district boards to have a written partnership agreement addressing dual credit.
- At CERTAIN ACADEMIES, on page 2, may be found a more precise list of universities fulfilling up to two years' of high school course credit through their offerings. Added as a result of the regular session of the 79<sup>th</sup> Legislature was the Texas Academy of International Studies, at Laredo.

EIF (LEGAL) ACADEMIC ACHIEVEMENT  
GRADUATION

At RECOMMENDED HIGH SCHOOL PROGRAM, on page 4, may be found updated State Board of Education rules phasing in increased requirements for students graduating under the Recommended and Advanced/Distinguish Achievement programs. Beginning with 2007–08 ninth graders, students must earn at least 26 credits—up from 24 credits—to graduate in either program.

The new rules, prompted by HB 1 from the third called session of the 79<sup>th</sup> Legislature, became effective on January 9, 2007.

Also added to the policy, at PHYSICAL EDUCATION SUBSTITUTIONS on page 5, is a longstanding State Board rule authorizing districts to award students physical education credit for certain alternative courses.

EIF (LOCAL) ACADEMIC ACHIEVEMENT  
GRADUATION

We have revised this policy based on the district's responses to the local graduation requirements survey submitted by Dr. Lue Bishop.

The district's locally developed text at OFF-CAMPUS PHYSICAL EDUCATION has been retained unaltered.

Please review the policy and contact your policy consultant/analyst if further changes are needed. Thank you again for completing our electronic survey.

F (LEGAL) STUDENTS

Policy code FFFF—previously titled “Conduct on School Buses”—has been retitled “School Buses” to reflect a change of scope.

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Conduct-related issues are more appropriately addressed within the context of other student behavior/discipline policies (FO) and the student code of conduct; issues regarding school bus services, generally, are found in the CN series. FFFF will now be reserved for policies having to do specifically with student safety issues pertaining to school transportation.

### FL (LEGAL) STUDENT RECORDS

Provisions of this policy have been rearranged for better flow and improved readability. Changes have been incorporated as follows:

- On page 1, a table of contents has been added to aid in navigation of the policy text.
- At TRANSFER NOT PERMITTED, on pages 6–7, language has been added detailing the district's affirmative duty to notify certain parties of the limitations on use and disclosure of information released under FERPA.
- The section on VIDEOTAPES AND RECORDINGS, on page 12, has been expanded to consolidate from other codes EXCEPTIONS for making a videotape or recording of a student without parental consent.
- Citations have been updated throughout the policy.

### FNCA (LOCAL) STUDENT CONDUCT DRESS CODE

Provisions regarding violations, previously found in this policy, have been deleted. Violations of the dress code—or any other student misbehavior—are more appropriately addressed in the district's Student Code of Conduct. Defining consequences in policy presents the possibility of inconsistencies between policy and the more frequently updated Student Code of Conduct, also adopted by the board.

### GA (LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

Subject to certain narrow exceptions, federal law prohibits adverse action against a person who refuses to disclose his or her Social Security number. While that law has long been recited at DC(LEGAL)—EMPLOYMENT PRACTICES—the prohibition applies more broadly.

For that reason, the federal prohibition has been added to this policy, on page 1.

# CROSS-INDEX

## - A -

- Abbreviated School Day EC
- Absence Control CRE, DEC, DFE
- Absences and Excuses, Student FEB, FEC
- Absences, Personnel DEC, DED, DMD
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The Board shall constitute a body corporate and shall have the exclusive power to govern and oversee the management of the public schools of the District. *Education Code 11.051(a), 11.151(b)*



ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

SUBSTANTIAL  
INTEREST AFFIDAVIT  
AND ABSTENTION

If a local public official or a person related to a local public official in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, the local public official, before a vote or decision on any matter involving the business entity or the real property, shall file an affidavit with an official Board recordkeeper stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

*Local Gov't Code 171.004*

CONTRACTS  
PERMITTED

The Board may contract with a business entity in which a Trustee has a substantial interest if the Trustee follows the disclosure and abstention procedure set out above. *Atty. Gen. Op. JM-424 (1986)*

DEFINITION OF  
SUBSTANTIAL  
INTEREST

A person has a substantial interest in a business entity if any of the following is the case:

1. The person owns at least:
  - a. Ten percent of the voting stock or shares of the business entity, or
  - b. Either ten percent or \$15,000 of the fair market value of the business entity.
2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

The local public official is considered to have a substantial interest if a person related in the first degree by either affinity or consanguinity to the local public official, as determined under Government Code Chapter 573, Subchapter B [see DBE], has a substantial interest as defined above.

*Local Gov't Code 171.002*

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

DEFINITION OF  
LOCAL PUBLIC  
OFFICIAL

“Local public official” shall mean a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov’t Code 171.001(1)*

DEFINITION OF  
BUSINESS ENTITY

“Business entity” means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. *Local Gov’t Code 171.001(2)*

MAJORITY  
CONFLICT

If a Trustee is required to file and does file an affidavit, that Trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. *Local Gov’t Code 171.004*

SEPARATE VOTE  
ON BUDGET

The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Trustee has a substantial interest. The affected Trustee shall not participate in that separate vote, but may vote on a final budget if he or she filed the affidavit and the matter in which he or she is concerned has been resolved. *Local Gov’t Code 171.005*

VIOLATIONS

Except as provided above, the local public official shall not knowingly:

1. Participate in a vote or decision on a matter involving a business entity or real property in which the local public official has a substantial interest if it is reasonably foreseeable that an action on the matter will have a special economic effect on the business entity or value of the property that is distinguishable from the effect on the public.
2. Act as surety for a business entity that has a contract, work, or business with the District.
3. Act as surety on any official bond required of an officer of the District.

*Local Gov’t Code 171.003*

If a Trustee has a substantial interest in a bank with which the District is considering entering into a loan or other transaction besides a depository contract, then the Trustee must comply with the affidavit and abstention requirements. *Atty. Gen. Op. JM-1082 (1989); Local Gov’t Code 171.004*



ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

VOIDABLE ACTIONS	<p>The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the Board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. <i>Local Gov't Code 171.006</i></p>
CONFLICTS DISCLOSURE STATEMENT	<p>A local government officer shall file the required conflicts disclosure statement, as adopted by the Texas Ethics Commission, with respect to an applicable vendor if the vendor has contracted with the District or the District is considering doing business with the vendor; and the vendor has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income; or has given to the local government officer or a family member of the officer one or more gifts, other than gifts of food, lodging, transportation, or entertainment accepted as a guest, that have an aggregate value of more than \$250 in the 12-month period preceding the date the officer becomes aware that such a contract has been executed or the local governmental entity is considering doing business with the vendor.</p> <p>A local government officer shall file the conflicts disclosure statement with the records administrator of the District not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.</p>
VIOLATIONS	<p>A local government officer commits a Class C misdemeanor if the officer knowingly violates this law. It is a defense to prosecution that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after receiving notice of the violation.</p> <p><i>Local Gov't Code 176.003--.004</i></p>
DEFINITION OF LOCAL GOVERNMENT OFFICER	<p>"Local government officer" means a member of the governing body of a local governmental entity; or a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity. <i>Local Gov't Code 176.001(4)</i></p>
DEFINITION OF FAMILY MEMBER	<p>"Family member" shall mean a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code. <i>Local Gov't Code 176.001(2)</i></p>
DEFINITION OF RECORDS ADMINISTRATOR	<p>"Records administrator" means the director, Superintendent, or other person responsible for maintaining the records of the District. <i>Local Gov't Code 176.001(5)</i> [See CPC]</p>

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

INTERNET POSTING  
REQUIREMENT

The District shall provide access on the District's Internet Web site to the required conflicts disclosure statements and questionnaires filed with the records administrator. *Local Gov't Code 176.009*

AFFIDAVIT  
DISCLOSING  
INTEREST IN  
PROPERTY

If a public servant has a legal or equitable interest in any property that is to be acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant shall file an affidavit as follows:

1. The affidavit shall 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.
2. The affidavit must:
  - a. State the name of the public servant and the public office title or job designation held or sought.
  - b. Fully describe the property.
  - c. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest and the date the interest was acquired.
  - d. Include a verification of the truth of the information in the affidavit. [See BBFA(EXHIBIT)]
  - e. Include an acknowledgment of the same type required for recording a deed in the deed records of a county.

*Gov't Code 553.002, 553.003*

VIOLATIONS

A public servant who fails to file the affidavit when required is presumed to have the intent to commit an offense. An offense under this section is a Class A misdemeanor. *Gov't Code 553.003*

DEFINITION OF  
PUBLIC SERVANT—  
GOVERNMENT CODE

"Public servant" shall mean a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

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

*Gov't Code 553.001*

ANNUAL FINANCIAL  
MANAGEMENT  
REPORT

The Commissioner shall develop a reporting procedure under which the District is required to prepare and distribute an annual financial management report.

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

REPORT  
REQUIREMENTS

The report shall contain information on state-established standards and the District's financial management performance for the current and previous years' financial accountability ratings. The report shall also contain any descriptive information required by the Commissioner of Education including summary reports of reimbursement received by the Superintendent and each Board member, reports of compensation and/or fees received by the Superintendent for outside consulting, reports of certain gifts from school vendors, and reports of Board member business transactions with the District. [See BR]

*Education Code 39.203; 19 TAC 109.1005*

TRUSTEE FINANCIAL  
STATEMENT

A board by resolution adopted by majority vote may require each member of the Board to file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with the Board and the Texas Ethics Commission.

Not later than the 15th day after the date the Board adopts this resolution, the Board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The Commissioner by order shall require the members of the Board to file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, in the same manner as the members of a board that have adopted a resolution if the Commissioner determines that:

1. A Board member has failed to comply with filing and recusal requirements applicable to the member under Chapter 171, Local Government Code;
2. District financial accounting practices are not adequate to safeguard state and District funds; or
3. The District has not met a standard set by the Commissioner in the financial accountability rating system.

The Commissioner may require the filing of financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the Commissioner's order. A member of a board subject to an order issued by the Commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The Commissioner

may renew the requirement if the Commissioner determines that a condition described above continues to exist.

VIOLATIONS

A Trustee serving in a school district that has adopted a resolution or that is subject to an order issued by the Commissioner commits an offense if the Trustee fails to file the statement required by the resolution or order.

An offense under this section is a Class B misdemeanor.

*Education Code 11.064*

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

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Each Board member shall provide in a timely manner to the District information necessary for the District's annual financial management report. [See BR]



RESTRICTIONS ON  
PUBLIC SERVANTS —  
PENAL CODE

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

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

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

Prohibited activities are covered by, but are not limited to, the following:

BRIBERY

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

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

*Penal Code 36.01(3), 36.02*

ILLEGAL GIFTS

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

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

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

EXCEPTIONS

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

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

*Penal Code 36.10*

HONORARIA AND  
EXPENSES

3. A public servant commits a class A misdemeanor offense if he or she solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for his or her official posi-



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

ABUSE OF OFFICE

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

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

“Misuse” means to deal with property contrary to:

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

*Penal Code 39.01(2)*

NEPOTISM

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

*Gov't Code 573.002, 573.041; Atty. Gen. Op. JC-0184 (2000) [See DBE]*

DEFINITION OF  
PUBLIC OFFICIAL

"Public official" shall mean:

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

*Gov't Code 573.001(3)*

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

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

A Trustee of a board that has delegated to the Superintendent final authority for personnel selection is not subject to the nepotism provisions to the extent of such delegation. *Atty. Gen. Op. GA-123 (2003)*

Nevertheless, a Trustee may remain the relevant public official for nepotism purposes concerning some employment decisions, such as renewal. *Atty. Gen. Op. GA-177 (2004)*

FORMER TRUSTEE  
EMPLOYMENT

- 6. A Trustee of the District may not accept employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

INCOMPATIBILITY OF  
OFFICE

- 7. One person may not occupy two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government. *Texas Constitution, Art. II, Sec. 1; State v. Martin, 51 S.W.2d 815 (Tex. Civ. App. 1932); Thomas v. Abernathy County Line ISD, 290 S.W. 15 (Tex. Comm. App. 1927); Turner v. Trinity ISD, 700 S.W.2d 1 (Tex. Ct. App. 1983); Atty. Gen. Op. JM-634 (1987)*

DEPOSITORY  
CONFLICT

- 8. A Trustee who is a stockholder, officer, director, or employee of a bank that has bid to become a depository for the District

shall not vote on the awarding of a depository contract to said bank. *Education Code 45.204*

TEXTBOOK  
VIOLATIONS—  
COMMISSIONS

9. A Trustee commits a class B misdemeanor offense if the Trustee receives any commission or rebate on any textbooks used in the schools with which the Trustee is associated. *Education Code 31.152(a)*

TEXTBOOK  
VIOLATIONS—  
CONFLICT

10. A Trustee commits a class B misdemeanor offense if the Trustee accepts a gift, favor, or service that:
- a. Is given to the person or the person's school;
  - b. Might reasonably tend to influence a Trustee in the selection of a textbook; and
  - c. Could not be lawfully purchased with funds from the state textbook fund.

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

*Education Code 31.152(b)–(d)*

TEXTBOOK  
VIOLATIONS—  
PURCHASE AND  
DISTRIBUTION

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



PLANNING AND DECISION-MAKING PROCESS  
DISTRICT-LEVEL

BQA  
(LEGAL)

PROCESS

The Board shall establish a procedure under which meetings are held regularly by the District-level planning and decision-making committee that includes representative professional staff, parents of students enrolled in the District, business representatives, and community members. The committee shall include a business representative, without regard to whether the representative resides in the District or whether the business the person represents is located in the District. The Board, or the Board's designee, shall periodically meet with the District-level committee to review the District-level committee's deliberations. *Education Code 11.251(b)*

COMMITTEE

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff in the District to nominate and elect the professional staff representatives who shall serve on the District-level committee. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Board policy must provide procedures for:

1. The selection of parents to the District-level committee.
2. The selection of community members and business representatives to serve on the District-level committee in a manner that provides for appropriate representation of the community's diversity.

*Education Code 11.251(e)*

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

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DEFINITIONS

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of the District is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.
4. Community members must reside in the District and must be at least 18 years of age.

*Education Code 11.251(c)*

PLANNING AND DECISION-MAKING PROCESS  
DISTRICT-LEVEL

BQA  
(LEGAL)

CONSULTATION

A Superintendent shall regularly consult the District-level committee in the planning, operation, supervision, and evaluation of the District educational program. *Education Code 11.252(f)*

DISTRICT  
IMPROVEMENT PLAN

The District shall have a District improvement plan that is developed, evaluated, and revised annually, in accordance with District policy, by the Superintendent with the assistance of the District-level committee. The purpose of the District improvement plan is to guide District and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the academic excellence indicators. *Education Code 11.252(a)* [See BQ]

DROPOUT  
PREVENTION REVIEW

The District-level planning and decision-making committee shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records required by Education Code 39.055;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;
3. The number of students who enter a high school equivalency certificate program and:
  - a. Do not complete the program,
  - b. Complete the program but do not take the high school equivalency examination, or
  - c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in the District.

The District-level planning and decision-making committee shall use the information reviewed under this policy in developing District improvement plans.

*Education Code Section. 11.255*

PLANNING AND DECISION-MAKING PROCESS  
DISTRICT-LEVEL

BQA  
(LEGAL)

CAMPUS INCENTIVE  
PLAN

The District-level planning and decision-making committee must approve a campus incentive plan developed by each campus-level planning and decision-making committee or other campus-level decision-making body. The campus incentive plan must be submitted by the District on behalf of an eligible campus.

The Texas Education Agency may consider for approval only a campus incentive plan developed, approved, and submitted in accordance with Education Code 21.654 and 19 TAC 102.1071. [See BQB]

*19 TAC 102.1071(c)*

PUBLIC MEETINGS

The District-level committee established under Education Code 11.251 shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual District performance report from the agency for the purpose of discussing the performance of the District and the District performance objectives. District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the District-level committee. This does not create a new cause of action or require collective bargaining. *Education Code 11.252(e)*





PLANNING AND DECISION-MAKING PROCESS  
CAMPUS-LEVEL

BQB  
(LEGAL)

	<p>The District shall maintain current policies and procedures to ensure that effective planning and site-based decision making occur at each campus to direct and support the improvement of student performance for all students. <i>Education Code 11.253(a)</i></p>
COMMITTEES	<p>The District's policy and procedures shall establish campus-level planning and decision-making committees as provided by Education Code 11.251(b)–(e). <i>Education Code 11.253(b)</i></p>
CONSULTATION	<p>A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. <i>Education Code 11.253(h)</i></p>
RESPONSIBILITIES	<p>In accordance with the administrative procedures established under Education Code 11.251(b), the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. <i>Education Code 11.253(e)</i></p>
CAMPUS IMPROVEMENT PLAN	<p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations with respect to the academic excellence indicators [see GND] and any other appropriate performance measures for special needs populations. <i>Education Code 11.253(c)</i> [See BQ]</p>
STAFF DEVELOPMENT	<p>The campus-level committee must approve the portions of the campus plan addressing campus staff development needs.</p> <p>The above paragraphs do not create a new cause of action or require collective bargaining.</p> <p><i>Education Code 11.253(e), (f)</i></p>
DROPOUT PREVENTION REVIEW	<p>Each campus-level planning and decision-making committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:</p> <ol style="list-style-type: none"><li>1. The results of the audit of dropout records required by Education Code 39.055;</li><li>2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;</li><li>3. The number of students who enter a high school equivalency certificate program and:<ol style="list-style-type: none"><li>a. Do not complete the program,</li></ol></li></ol>

PLANNING AND DECISION-MAKING PROCESS  
CAMPUS-LEVEL

BQB  
(LEGAL)

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

Each campus-level planning and decision-making committee shall use the information reviewed under this policy in developing District or campus improvement plans.

*Education Code 11.255*

PROCESS

The Board shall establish a procedure under which meetings are held regularly by campus-level planning and decision-making committees that include representative professional staff, parents of students enrolled in the District, business representatives, and community members. The committees shall include a business representative, without regard to whether the representative resides in the District or whether the business the person represents is located in the District. *Education Code 11.251(b)*

SELECTION OF  
COMMITTEES

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff in the District to nominate and elect the professional staff representatives who shall serve on the campus planning and decision-making committees. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Board policy must provide procedures for:

1. The selection of parents to the campus-level committees.
2. The selection of community members and business representatives to serve on the committee in a manner that provides for appropriate representation of the community's diversity.

*Education Code 11.251(e)*

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

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DEFINITIONS

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of the District is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.
4. Community members must reside in the District and must be at least 18 years of age.

*Education Code 11.251(c)*

PRINCIPAL  
PERFORMANCE  
INCENTIVES

A performance incentive awarded to a principal shall be distributed to the principal's school. The campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.094(a).  
*Education Code 21.357(c)*

CAMPUS INCENTIVE  
PLAN

A campus-level decision-making body, such as the campus-level planning and decision-making committee, for each eligible campus that intends to participate in the campus incentive plan program shall develop a campus incentive plan for the campus that:

1. Is designed to reward teachers who have a positive impact on improving student achievement;
2. Meets all program guidelines adopted by the Commissioner of Education under Education Code 21.652; and
3. Describes how grant funds will be distributed.

*Education Code 21.654*

A campus incentive plan must be developed by each campus-level decision-making body, approved by its District-level committee, and submitted by the District on behalf of an eligible campus. The campus-level body developing the plan should be composed of individuals representing a diverse and broad mix of teachers, including representation from different grade levels and subject areas. The District may choose to provide guidance to campuses in the creation of plans.

The Texas Education Agency may consider for approval only a campus incentive plan developed, approved, and submitted in ac-

PLANNING AND DECISION-MAKING PROCESS  
CAMPUS-LEVEL

BQB  
(LEGAL)

cordance with Education Code 21.654 and 19 TAC 102.1071. A campus that has implemented an approved incentive plan may choose to renew its plan, should it be eligible for funding in subsequent years, for up to three years after the first year of implementation.

In accordance with Education Code 21.655, each eligible campus whose campus incentive plan is approved is entitled to a grant award in an amount determined by the Commissioner of Education. Award amounts may vary from one year to the next.

*19 TAC 102.1071(c)-(d)*

PUBLIC MEETING

Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from the agency to discuss the performance of the campus and the campus performance objectives. District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. *Education Code 11.253(g)*

EQUIPMENT AND SUPPLIES MANAGEMENT  
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD  
(LEGAL)

TEXTBOOKS	<p>Textbooks selected for use in the public schools shall be furnished without cost to the students attending those schools. All textbooks purchased in accordance with Education Code Chapter 31 are the property of the state of Texas. <i>Education Code 31.001, 31.102(a)</i> [See EFAA for provisions addressing Textbook Selection and Adoption]</p>
DELEGATION OF POWER	<p>The Board may delegate the power to requisition, distribute, and manage the inventory of books, consistent with Education Code Chapter 31. <i>Education Code 31.104(a)</i></p>
REQUISITIONS, USE, AND DISTRIBUTION	<p>Not later than the seventh day after the first school day in April, each principal shall report the maximum attendance for a school to the Superintendent. Not later than April 25, the Superintendent shall report the District's maximum attendance to the Commissioner of Education. Requisitions for textbooks for the following school year shall be based on the maximum attendance reports, plus an additional ten percent, except as otherwise provided, and shall be made no later than June 1 of each year. The District may requisition textbooks for grades above the grade level in which a student is enrolled, except that the total quantity requisitioned may not exceed the above limit. <i>Education Code 31.103; 19 TAC 66.104(l)</i> [See BJA]</p> <p>Once instructional materials have been requisitioned and delivered, including nonadopted materials, the District shall continue to use those instructional materials during the contract period or periods of the materials. The District may not return copies of one title to secure copies of another title in the same subject. <i>19 TAC 66.104 (f), (j)</i></p> <p>The Board, as legal custodian of the textbooks used in the District, shall distribute books to students as it may deem most effective and economical. <i>Education Code 31.102(c)</i></p>
ORDER QUANTITIES	<p>When placing orders for instructional materials, the District shall report enrollments as follows:</p> <ol style="list-style-type: none"><li>1. Annual orders for instructional materials: enrollments shall be reported based on the maximum number of students enrolled in the District during the previous school year and/or registered to attend the District during the next school year; and</li><li>2. Supplemental orders for instructional materials: enrollments shall be reported based on the actual number of students enrolled in the District when the order is submitted, adjusted for students reported as working above or below grade level.</li></ol> <p><i>19 TAC 66.107(d)</i></p>

SHORTAGE

If the District does not have a sufficient number of copies of a textbook for use during the following school year, and a sufficient number of additional copies will not be available from the depository or the publisher within the time specified at TIME FOR DELIVERY, the District is entitled to:

1. Be reimbursed from the state textbook fund, at a rate and in the manner provided by State Board rule, for the purchase of a sufficient number of used adopted textbooks; or
2. Return currently used textbooks to the Commissioner in exchange for sufficient copies, if available, of other textbooks to be used during the following school year.

*Education Code 31.1031*

TIME FOR DELIVERY

At the time an order for textbooks is acknowledged, a publisher or manufacturer shall provide to the District an accurate shipping date for textbooks that are back-ordered, and shall guarantee delivery of textbooks at least ten business days before the opening day of the school year for which the textbooks are ordered if they are ordered by a date specified in the sales contract. *Education Code 31.151(a)(7)–(8)*

SURPLUS

After the beginning of every school year, each school district shall determine if it has surplus instructional materials for any subject area/grade level, based on its current enrollment for the subject area/grade level. In accordance with the Educational Materials and Textbooks (EMAT) online ordering system, surplus is defined as follows:

For courses that use textbooks that are in the first year of adoption, any textbook in excess of 110 percent of enrollment shall be considered surplus. For courses that use textbooks that are in the second or later years of adoption, any textbook in excess of 120 percent of enrollment shall be considered surplus. Overages that exceed these definitions should be entered into the EMAT Online Adjust Surplus Screen, except that instructional materials that are needed for the following school year are not considered surplus and should not be entered into the Adjust Surplus Screen. Instructional materials determined by the District to be surplus-to-quota shall be reported to TEA by October 1 of each year in accordance with instructions provided by TEA. The District is entitled to retain surplus-to-quota instructional materials only when data approved by TEA indicate that students will be enrolled in the subject and a need for the surplus-to-quota instructional materials exists. *19 TAC 66.107(c)*

EQUIPMENT AND SUPPLIES MANAGEMENT  
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD  
(LEGAL)

CHARGES FOR FAILURE TO RETURN SURPLUS	If the District orders instructional material in excess of its eligibility by reporting enrollments exceeding those described above, the District enters into a contract with the state to purchase the instructional materials supplied that exceed the District's eligibility for the subject area/grade level. The District may cancel the contract to purchase the excess instructional materials by immediately notifying TEA of the surplus and posting the surplus in accordance with instructions provided by TEA. If prior approval is received, surplus instructional materials may be returned to the publisher's approved depository or placed into statewide surplus inventory in accordance with instructions from TEA. A school district that fails to notify TEA of surplus instructional materials for more than six months after the beginning of the school year shall reimburse the state at the full price for the surplus instructional materials. <i>19 TAC 66.107(g)</i>
SPECIAL EDUCATION	Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. <i>19 TAC 66.104(m)</i>
BOOK OWNERSHIP AND COVERS	All textbooks shall state that the book is the property of or is licensed to the state. Books, other than electronic textbooks, must be covered by the student under the direction of the teacher. Books must be returned to the teacher at the end of the school year or when the student withdraws from school. <i>Education Code 31.104(c)</i>
RESPONSIBILITY FOR BOOKS	<p>Each student or his or her parent or guardian shall be responsible for all books not returned by the student, and any student failing to return all books shall forfeit the right to free textbooks until the books previously issued but not returned are paid for by the student, parent, or guardian.</p> <p>Under circumstances determined by the Board, the District may waive or reduce the payment required if the student is from a low-income family. The District shall allow students to use textbooks at school during each school day.</p> <p>If a book is not returned and payment is not made, the District may withhold the student's records, but shall not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. However, in accordance with policies FL and GBA, students have a right to copies of any and all District records that pertain to them.</p> <p><i>Education Code 31.104(d); 20 U.S.C. 1232g; Gov't Code 552.114(b)(2) [See also EF]</i></p>

EQUIPMENT AND SUPPLIES MANAGEMENT  
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD  
(LEGAL)

SALE OF BOOKS	The Board may sell books, other than electronic textbooks, to students or other schools at the state contract price. All money accruing from sales of textbooks shall be forwarded to the Commissioner of Education as directed, and deposited in the state textbook fund. <i>Education Code 31.105</i>
ANNUAL INVENTORY	The District shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the District. The results of the inventory shall be recorded in the District's files. Reimbursement and/or replacement shall be made for all instructional materials determined to be lost. <i>19 TAC 66.107(a)</i>  The Board may not require an employee of the District to pay for a textbook or instructional technology that is stolen, misplaced, or not returned by a student. <i>Education Code 31.104(e); 19 TAC 66.107(i)</i>
LOCAL HANDLING EXPENSES	School districts shall not be reimbursed from state funds for expenses incurred in local handling of textbooks. <i>19 TAC 66.104(o)</i>  [See BBFB and DBD]
OUT-OF-ADOPTION TEXTBOOKS	The District may retain out-of-adoption instructional materials.  The District shall make out-of-adoption instructional materials (other than electronic instructional materials) available to libraries maintained by city and county jails, institutions within the Department of Corrections, and other state agency institutions. District officials may donate out-of-adoption instructional materials (other than electronic instructional materials) to students, adult education programs, and nonprofit organizations. Individuals and organizations making such requests shall be responsible for transporting the materials.  After all efforts to donate out-of-adoption instructional materials (other than electronic instructional materials) to organizations listed above have been exhausted, the District may donate those materials for recycling locally. Recycling means removing the bindings and shredding the textbooks for the purpose of producing new products from the processed materials.  Under no circumstances shall the District sell out-of-adoption instructional materials.  <i>19 TAC 66.131</i>



DEFINITION

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

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

*Local Gov't. Code 201.003(8)*

BOARD'S  
RESPONSIBILITIES

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

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

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

*Local Gov't. Code 203.021*

CUSTODIANS OF  
RECORDS

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

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

*Local Gov't. Code 203.022*

RECORDS  
MANAGEMENT  
OFFICER

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

1. Assist in establishing and developing policies and procedures for the District's records management program.
2. Administer the records management program and provide assistance to the custodians in order to reduce costs and improve record-keeping efficiency.
3. In cooperation with the custodians of records, prepare and file records control schedules, amended schedules, and lists of obsolete records, as required by the Local Government Records Act.
4. In cooperation with the custodians of records, prepare or direct the preparation of requests for authorization to destroy records, when such requests are required under the Local Government Records Act.
5. In cooperation with the custodians of records, identify and take adequate steps to preserve District records of permanent value.
6. In cooperation with the custodians of records, identify and take adequate steps to protect essential District records.

7. In cooperation with the custodians of records, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the District's records management program and legal requirements.
8. Disseminate to the Board and custodians of records information concerning state laws, administrative rules, and government policies relating to the District's records.
9. In cooperation with the custodians of records, establish procedures to ensure that the handling of records is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

*Local Gov't. Code 203.023*

RETENTION  
SCHEDULES

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

DESTRUCTION OF  
RECORDS

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

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

*Local Gov't Code 202.001*

EXCEPTIONS	A District record the subject matter of which is known by the custodian to be the subject of litigation shall not be destroyed until the litigation is settled. A District record that is subject to a request under Chapter 552, Government Code, shall not be destroyed until the request is resolved. <i>Local Gov't Code 202.002</i>
PRESERVATION OF RECORDS	<p>The Board shall determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. <i>Gov't Code 552.004</i></p> <p>The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or tape recording shall be preserved while the action is pending. <i>Gov't Code 551.104(a)</i></p>
MICROFILMING	District records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 204 of the Local Government Code and rules adopted by the State Library and Archives Commission. <i>Local Gov't Code 204.002</i>
ELECTRONIC STORAGE	District records may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Chapter 205 of the Local Government Code and rules adopted by the State Library and Archives Commission. <i>Local Gov't. Code 205.002</i>
FEDERAL INVESTIGATIONS AND BANKRUPTCY	Anyone who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. <i>18 U.S.C. 1519</i>

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

- Records Management Officer, as prescribed by Local Government Code 203.023
- Records Administrator, as prescribed by Local Government Code 176.001 and 176.007 [See BBFA and CHE]
- Officer for Public Information, as prescribed by Government Code 552.201–.204 [See GBAA]
- Public Information Coordinator, as prescribed by Government Code 552.012 [See BBD]

DOCUMENT  
DESTRUCTION  
PRACTICES

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

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

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

WEB SITE POSTINGS

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



APPLICABILITY OF  
STATE STANDARDS  
AFTER JANUARY 1,  
2004

All new facilities and major space renovations approved by the Board after January 1, 2004, shall meet the facility standards established by the Commissioner as set out in Texas Administrative Code Title 19, Chapter 61.1036. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements, but must meet construction quality standards.  
*Education Code 46.008; 19 TAC 61.1036*

DEFINITIONS

After January 1, 2004, a "major space renovation" means renovations to all or part of the facility's instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration or function. *19 TAC 61.1036(a)(8)*

"Educational program" means a written document, developed and provided by the District, that includes the following information:

1. A summary of the District's educational philosophy, mission, and goals; and
2. A description of the general nature of the District's instructional program in accordance with the Texas Administrative Code Title 19, Chapter 74.1 (relating to Essential Knowledge and Skills). The written educational program should describe:
  - a. The learning activities to be housed, by instructional space;
  - b. How the subject matter will be taught (methods of instructional delivery);
  - c. The materials and equipment to be used and stored;
  - d. Utilities and infrastructure needs; and
  - e. The characteristics of furniture needed to support instruction.

*19 TAC 61.1036(a)(1)*

"Educational specifications" means a written document for a proposed new school facility or major space renovation that includes a description of the proposed project, expressing the range of issues and alternatives. School districts that do not have personnel on staff with experience in developing educational specifications shall utilize the services of a design professional or consultant experienced in school planning and design to assist in the development of the educational specifications. The District shall allow for input

from teachers, other school campus staff, and District program staff in developing the educational specifications. The following information should be included in the educational specifications:

3. The instructional programs, grade configuration, and type of facility;
4. The spatial relationships—the desired relationships for the functions housed at the facility:
  - a. Should be developed by the District to support the District's instructional program;
  - b. Should identify functions that should be:
    - (1) Adjacent to, immediately accessible;
    - (2) Nearby, easily accessible; and
    - (3) Removed from or away from; and
  - c. Should relate to classroom/instructional functions, instructional support functions, building circulation, site activities/functions, and site circulation.

*19 TAC 61.1036(a)(2)*

“Major space renovation” means renovations to all or part of the facility's instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration and/or function. Other renovations associated with repair or replacement of architectural interior or exterior finishes; fixtures; equipment; and electrical, plumbing, and mechanical systems are not subject to the requirements of this section, but shall comply with applicable building codes as required by this section. *19 TAC 61.1036(a)(8)*

APPLICABILITY OF  
STATE STANDARDS  
BEFORE JANUARY 1,  
2004

All new facilities and major space renovations approved by the Board before January 1, 2004, shall meet the facility standards established by the Commissioner as set out in Texas Administrative Code Title 19, Chapter 61.1033. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements, but must meet construction quality standards. *Education Code 46.008; 19 TAC 61.1033(a)(5), (b)*

FIRE ESCAPES

The Board shall ensure that each school building that is two or more stories shall have such fire escapes as are required by law. *Health and Safety Code 791.002, 791.035, 791.036*



FACILITY STANDARDS

CS  
(LEGAL)

**SECURITY CRITERIA** A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, security criteria developed by the Texas School Safety Center. *Education Code 46.0081*

**READILY ACCESSIBLE PROGRAMS** No qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services, programs, and activities of the District or be subject to discrimination. *42 U.S.C. 12132; 28 CFR 35.149; 29 U.S.C. 794; 34 CFR 104.21*

The District shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

Compliance with these requirements may be achieved by:

1. Redesigning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 CFR 104.23 and 28 CFR 35.151.
8. Any other methods that would result in making services, programs, and activities accessible to individuals with disabilities.

Structural changes in existing facilities need not be made when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, the Board shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

*28 CFR 35.150; 34 CFR 104.22*

**REVIEW OF PLANS** All plans and specifications for construction or for the substantial renovation, modification, or alteration of a building or facility that has an estimated construction cost of \$50,000 or more shall be

submitted to the Department of Licensing and Regulation for review and approval. The District as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, modification, or alteration of the building or facility to begin before the date the plans and specifications are submitted to the Department by the architect, interior designer, landscape architect, or engineer.

The District as owner of each building or facility that has an estimated construction, renovation, modification, or alteration cost of at least \$50,000 is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation, modification, or alteration of the building or facility is completed. The inspection must be performed by the Department, an entity with whom the Commission contracts, or a person who holds a certificate of registration to perform inspections.

*Gov't Code 469.101, 469.102(c), 469.105*

NOTICE

The District shall adopt and implement procedures to ensure that interested persons, including those with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 CFR 104.22(f)*

PLAYGROUNDS

Public funds may not be used to purchase playground equipment or surfacing for the area under and around the equipment if either purchase does not substantially comply with each applicable provision of the Handbook for Public Playground Safety, published by the U.S. Consumer Product Safety Commission.

EXCEPTION

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 1997, even if they do not comply with the Playground Safety Handbook.

*Health and Safety Code 756.061*

OUTDOOR LIGHTING  
FIXTURES

An outdoor lighting fixture that is designed, installed, or replaced on or after September 1, 1999, may be installed, replaced, maintained, or operated using state funds only if the fixture meets the specific energy conservation and light pollution standards in Health and Safety Code Chapter 425.

EXCEPTIONS

The standards for state-funded outdoor lighting fixtures do not apply when:

1. Preempted by federal law, rule, or regulation;

2. Emergency personnel temporarily require additional illumination for emergency procedures;
3. The lighting fixture is used temporarily for nighttime work;
4. Special events or circumstances\* require additional illumination;
5. The fixture is used solely to enhance the aesthetic beauty of an object; or
6. A compelling safety interest cannot be addressed by another method.

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**\*Note:** Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

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*Health and Safety Code 425.002*

TESTING OF NATURAL  
GAS PIPING

At least every two years, before the beginning of the school year and in strict compliance with the time frames established by Railroad Commission rule, the District shall pressure test the natural gas piping system in each District facility. The testing may be performed on a two-year cycle under which the District pressure tests the natural gas piping system in approximately one-half of the facilities each year. If the District operates one or more District facilities on a year-round calendar, the pressure test in each of those facilities shall be conducted and reported not later than July 1 of the year in which the pressure test is performed. *Utilities Code 121.502; 16 TAC 8.230(c)(4)*

RAILROAD  
COMMISSION  
RULES

The Railroad Commission of Texas has adopted rules to enforce this policy. Each District facility described in Commission rules shall be tested in accordance with the procedures and timetables implemented by Commission rules. *16 TAC 8.230*

STANDARDS AND  
PROCEDURE

A test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements. *Utilities Code 121.502(d); 16 TAC 8.230(c)(1)*

The pressure test shall determine whether the natural gas piping downstream of a District facility meter holds at least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be

performed by a person qualified in accordance with the testing procedures established by Railroad Commission rules. At the District's request, the Railroad Commission shall assist the District in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

NOTICE

The District shall provide written notice to the District's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the District. *Utilities Code 121.504(a); 16 TAC 8.230(c)(1)*

TERMINATION OF SERVICE

The supplier shall terminate service to a District facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

*Utilities Code 121.505(a)*

The supplier shall develop procedures for terminating service to the District if:

1. The natural gas supplier receives notification of a hazardous natural gas leak in the school facility piping system; or
2. The natural gas supplier does not receive written notification from the District specifying the completion date and results of the testing.

*16 TAC 8.230(b)(2)*

REPORTING LEAKS

An identified natural gas leakage in a District facility must be reported to the Board. The firm or individual conducting the natural gas piping test shall immediately report any hazardous natural gas leak in a District facility to the Board and to the District's natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

LP-GAS SYSTEMS TESTING

At least biennially, the District shall perform pressure tests for leakage on the LP-gas piping system in each District facility before the beginning of the school year. The District may perform the pressure tests on a two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If the District operates one or more District facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the pressure testing requirements.

REQUIREMENTS OF TEST	<p><i>Natural Resources Code 113.352; 16 TAC 9.41</i></p> <p>The District shall perform the pressure test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the National Fire Protection Association 54, National Fuel Gas Code. The pressure test must be conducted in accordance with National Fire Protection Association 54.</p> <p>The Railroad Commission, upon request, shall assist the District in providing for the certification of a District employee to conduct the test and in developing a procedure for conducting the test.</p>
NOTICE	<p><i>Natural Resources Code 113.353</i></p> <p>Before the introduction of any LP-gas into the LP-gas piping system, the District shall provide verification to its supplier that the piping has been tested.</p> <p>The District shall provide written notice to the Railroad Commission specifying the date and the result of each pressure test or other inspection of the LP-gas piping system within one week of the date each test is performed.</p>
TERMINATION OF SERVICE	<p><i>Natural Resources Code 113.354; 16 TAC 9.41</i></p> <p>A supplier shall terminate service to a District facility if:</p> <ol style="list-style-type: none"><li>1. The supplier receives official notification from the firm or individual conducting the test of a hazardous leakage in the facility LP-gas piping system; or</li><li>2. A test at the facility is not performed as required.</li></ol>
REPORTING LEAKS	<p><i>Natural Resources Code 113.355</i></p> <p>An identified LP-gas leakage in a District facility shall be reported to the Board and the LP gas system shall be removed from LP gas service until repairs are made and another test passed. <i>Natural Resources Code 113.356; 16 TAC 9.41(b)(3)</i></p>
INTRASTATE PIPELINE EMERGENCY RESPONSE PLAN	<p>The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:</p> <ol style="list-style-type: none"><li>1. On written request from the District, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:<ol style="list-style-type: none"><li>a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;</li></ol></li></ol>

- b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
  - c. The designated emergency number for the pipeline facility operator;
  - d. Information on the state's excavation one-call system; and
  - e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the Superintendent of the District in which the school building or facility is located.

A pipeline operator or the operator's representative shall appear at a regularly scheduled meeting of the Board to explain the above items if requested by the Board or District.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the Board.

*Natural Resources Code 117.012(k), (l), (m); 16 TAC 8.315*

**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	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DBF	Nonschool Employment
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	Salaries and Wages
DEAA	Incentives and Stipends
DEB	Fringe Benefits
DEC	Leaves and Absences
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF CONTRACT
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**

DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Intellectual Property Rights
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Harassment
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	Special Programs Training
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



EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

NOTICE TO PARENTS:  
QUALIFICATIONS

As a condition of receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*), the District shall, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the District shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

ADDITIONAL  
INFORMATION

A school that receives such federal funds shall also provide to each individual parent timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

*20 U.S.C. 6311(h)(6)*

PROFESSIONAL  
PERSONNEL  
CERTIFICATE

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the District unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person's certificate for filing with the District before the person's contract with the Board is binding. *Education Code 21.003(a), 21.053(a)*

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate. *Education Code 21.053(b)*

FAILURE OF  
CERTIFICATION

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

1. Does not hold a certificate or permit issued by SBEC; or
2. Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

This provision does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

*Education Code 21.0031(a), (e)* [See DF]

LICENSE

A person may not be employed by the District as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for the District only if the person holds the appropriate credentials from the appropriate state agency. *Education Code 21.003(b)*

SCHOOL DISTRICT  
TEACHING PERMIT

The District may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC, if the person holds a baccalaureate degree. A baccalaureate degree is not required for persons who will teach only career and technology education.

STATEMENT TO  
COMMISSIONER

After employing a person under a school district permit, the District shall promptly send a written statement to the Commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the Commissioner.

Not later than the 30th day after the Commissioner receives the District's statement, the Commissioner may inform the District that the person is not qualified to teach. The person may not teach if the Commissioner finds that the person is not qualified. If the Commissioner fails to act before the 30th day after receiving the statement, the District may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the Commissioner.

DURATION OF  
PERMIT

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. [See DK for Emergency Permits]

*Education Code 21.055*

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**Note:** The assignment of a teacher to teach a class for which he or she is not properly certified triggers parent notifica-

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

tion requirements in accordance with state and federal laws. See DK.

HIGHLY QUALIFIED  
STATUS

Pursuant to the No Child Left Behind Act of 2001, each district shall ensure that all teachers teaching in a program supported with funds under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*) are highly qualified.

'CORE ACADEMIC  
SUBJECTS'  
DEFINED

The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

GENERAL  
EDUCATION  
PROGRAM  
CERTIFICATION

The term "highly qualified":

1. When used with respect to any public elementary school or secondary school teacher, means the teacher:
  - a. Has obtained full state certification as a teacher (including alternative certification); and
  - b. Has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.
2. When used with respect to an elementary school teacher who is new to the profession, means the teacher:
  - a. Holds at least a bachelor's degree; and
  - b. Has demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.
3. When used with respect to a middle or secondary school teacher who is new to the profession, means the teacher:
  - a. Holds at least a bachelor's degree; and
  - b. Has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
    - (1) Passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or
    - (2) Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

SUBJECT  
COMPETENCY

NEW  
ELEMENTARY  
TEACHER

NEW MIDDLE OR  
SECONDARY  
TEACHER

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

EXISTING  
TEACHER

4. When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means the teacher holds at least a bachelor's degree and:
  - a. Has met the applicable standard as detailed above for new teachers; or
  - b. Demonstrates competence in all academic subjects in which the teacher teaches based on a high objective uniform state standard of evaluation.

*20 U.S.C. 6319(a)(1), 7801(23)*

SPECIAL  
EDUCATION  
PROGRAM

The term "highly qualified," when used with respect to a special education teacher, means the teacher meets the above requirements, as applicable, and:

CERTIFICATION  
AND EDUCATION

1. Has obtained full state certification as a special education teacher (including alternative certification);
2. Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
3. Holds at least a bachelor's degree.

SUBJECT  
MATTER  
COMPETENCY

Special education teachers who teach alternative achievement standards or who teach two or more core academic subjects exclusively to children with disabilities must also demonstrate subject matter competence as set forth below.

ALTERNATIVE  
ACHIEVEMENT  
STANDARDS

1. New and existing special education teachers who teach core academic subjects exclusively to children who are assessed against alternate achievement standards may:
  - a. Meet the applicable requirements for any new or existing elementary, middle, or secondary teacher; or
  - b. In the case of instruction above the elementary level, demonstrate subject matter knowledge appropriate to the level of instruction being provided, as determined by the state, needed to effectively teach to those standards.

TWO OR MORE  
CORE ACADEMIC  
SUBJECTS

2. A special education teacher who teaches two or more core academic subjects exclusively to children with disabilities may either:
  - a. Meet the applicable requirements for any new or existing elementary, middle, or secondary school teacher;
  - b. In the case of an existing teacher, demonstrate competence in all core academic subjects in which the teacher

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

teaches in the same manner as is required for any other existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects; or

- c. In the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, the teacher may demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects. The teacher must demonstrate competence under this section not later than two years after the date of employment.

*20 U.S.C. 1401(10)*

CPR AND FIRST AID  
CERTIFICATION

A District employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the District or UIL must maintain and submit to the District proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. The District shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

PARAPROFESSIONAL  
EMPLOYEES  
CERTIFICATION

Educational aides shall be certified according to standards established by the State Board for Educator Certification. *19 TAC 230.551*

TITLE I PROGRAM

Each district receiving assistance under Title I, Part A of the ESEA shall ensure that all paraprofessionals working in a program supported with those funds shall:

DUTIES

1. Be assigned only duties consistent with 20 U.S.C. 6319(g).

HIGH SCHOOL  
DIPLOMA

2. Regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

HIGHER  
EDUCATION OR  
COMPETENCY TEST

3. If hired after January 8, 2002, have one of the following credentials:
  - a. Completed at least 2 years of study at an institution of higher education;

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

- b. Obtained an associate's (or higher) degree; or
- c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:
  - (1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
  - (2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

EXCEPTIONS

The HIGHER EDUCATION OR COMPETENCY TEST requirements above shall not apply to a paraprofessional:

- 1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or
- 2. Whose duties consist solely of conducting parental involvement activities.

*20 U.S.C. 6319*

SCHOOL BUS  
DRIVERS  
CREDENTIALS

A school bus driver must:

- 1. Be at least 18 years old.
- 2. Hold an appropriate class of driver's license for the vehicle being operated.
- 3. Pass an annual physical exam and otherwise meet medical and physical requirements established by the Department of Public Safety (DPS). [See DBB]
- 4. Have a driving record that is acceptable according to minimum standards adopted by the DPS. A check of the person's driving record shall be made with DPS annually.
- 5. Pass a pre-employment driver's license check with the DPS, and maintain a driving record acceptable according to the standards prescribed by the State Board and the DPS. [See ANNUAL EVALUATION, below]
- 6. Have an acceptable criminal history record. [See DC] If the District obtains information that a person has been convicted of a felony or misdemeanor involving moral turpitude, it may not employ the person to drive a school bus on which stu-

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

dents are transported unless the employment is approved by the Board or the Board's designee.

7. Possess a valid certificate stating that the driver is enrolled in, or has completed, a driver training course in school bus safety education approved by the DPS.

*Trans. Code 521.022; 37 TAC 14.11, 14.12, 14.14*

ANNUAL  
EVALUATION

The District shall evaluate the driver's license record of each school bus driver at least annually to determine if the driver is still eligible to drive a school bus. *Trans. Code 521.022(d); 37 TAC 14.14*

EMPLOYEE RECORDS  
PROFESSIONAL  
EMPLOYEES

The following records on professional personnel must be readily available for review by the Commissioner:

1. Credentials (certificate or license);
2. Service record(s) and any attachments;
3. Contract;
4. Teaching schedule or other assignment record; and
5. Absence from duty reports.

SERVICE RECORD

The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

The service record must be validated by a person designated by the District to sign service records. The service record shall be kept on file at the District. When employment with the District is terminated, the original service record, signed by the employee, shall be given to the employee upon request or sent to the next employing district. The District must maintain a legible copy for audit purposes.

*19 TAC 153.1021(b), (d)*

ACCESS TO  
EMPLOYEE  
RECORDS

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Law. *Gov't Code 552 [See GBA]*

Information in a personnel file is excepted from the requirements of the Public Information Law if the disclosure would constitute a clearly unwarranted invasion of personal privacy.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LEGAL)

An employee of the District shall choose whether to allow public access to information in the District's custody that relates to the employee's home address, home telephone number, or Social Security number, or that reveals whether the person has family members.

*Gov't Code 552.024, 552.102(a)*

EMPLOYEE  
RIGHT OF  
ACCESS

All information in the personnel file of a District employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Law. An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by the District that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

The District may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Law. The District may assert as grounds for denial of access other provisions of the Public Information Law or other laws that are not intended to protect the employee's privacy interests.

If the District determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, the District shall release the information to the requestor not later than the tenth day after the request for information is received.

*Gov't Code 552.023, 552.102(a); 552.307*



EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LOCAL)

PARENT  
NOTIFICATION

The District shall notify parents of students in classrooms in which the regular teacher is not “highly qualified,” as required by law.

Notification shall not be required, however, when:

1. The home campus teacher of a secondary school student assigned to a DAEP is considered the teacher-of-record; and
2. The home campus teacher:
  - a. Is highly qualified,
  - b. Assigns and evaluates the student’s coursework,
  - c. Provides substantially the same coursework and uses the same grading standards as in the regular classroom,
  - d. Has final authority on the coursework grades and the final grade for the course, and
  - e. Is regularly available for face-to-face consultation with the student and the DAEP teacher; and
3. The DAEP teacher meets all applicable SBEC certification requirements.

UPDATING  
CREDENTIALS

All employees who have earned certificates, endorsements, or degrees of higher rank since the previous school year must file with the Superintendent:

1. An official college transcript showing the highest degree earned and date conferred.
2. Proof of the certificate or endorsement.

CONTRACT  
PERSONNEL

The Superintendent or designee shall ensure that contract personnel possess valid credentials before issuing contracts.



EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LEGAL)

RESTRICTION ON  
PUBLIC SERVANTS —  
PENAL CODE

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

BRIBERY

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

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

*Penal Code 36.01(3), 36.02*

ILLEGAL GIFTS

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

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

EXCEPTIONS

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LEGAL)

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

*Penal Code 36.10*

HONORARIA AND  
EXPENSES

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LEGAL)

the extent those services are more than merely perfunctory.  
*Penal Code 36.07*

ABUSE OF PUBLIC  
EMPLOYMENT

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

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

"Misuse" means to deal with property contrary to:

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

*Penal Code 39.01(2)*

TEXTBOOK  
VIOLATIONS —  
COMMISSIONS

An administrator or teacher commits a class B misdemeanor offense if the administrator or teacher receives any commission or rebate on any textbooks used in the schools with which the administrator or teacher is associated. *Education Code 31.152(a)*

TEXTBOOK  
VIOLATIONS —  
CONFLICT

An administrator or teacher commits a class B misdemeanor offense if the administrator or teacher accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of a textbook; and
3. Could not be lawfully purchased with funds from the state textbook fund.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LEGAL)

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

*Education Code 31.152(b)–(d)*

TEXTBOOK  
VIOLATIONS —  
PURCHASE AND  
DISTRIBUTION

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

HOLDING CIVIL  
OFFICE

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

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

CONFLICT  
DISCLOSURE  
STATEMENT

The District may extend the requirements of Local Government Code 176.003 and 176.004 [see BBFA] to all or a group of employees of the District. The District may reprimand, suspend, or terminate the employment of an employee who fails to comply with such requirements.

An employee commits a Class C misdemeanor if the employee knowingly violates the requirements. It is a defense to prosecution, however, that the employee filed the disclosure statement not later than the seventh business day after the person received notice of the violation.

*Local Gov't Code 176.005*

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

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

DISCLOSURE — GENERAL STANDARD	An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or that creates a potential conflict of interest with the best interest of the District.
SPECIFIC DISCLOSURES SUBSTANTIAL INTEREST	<p>The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.</p> <p>Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest as defined by Local Government Code 171.002 shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.</p>
INTEREST IN PROPERTY	The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.
CONFLICTS DISCLOSURE STATEMENT	No employee other than the Superintendent shall be required to file the conflicts disclosure statement, as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003–.004.
ANNUAL FINANCIAL MANAGEMENT REPORT	<p>The Superintendent, as the executive officer of the District, shall provide in a timely manner to the District information necessary for the District’s annual financial management report. [See BF]</p> <p>[See BBFA]</p>
GIFTS	An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee’s discharge of assigned duties and responsibilities. [See CAA]
ENDORSEMENTS	An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose.
SALES	An employee shall not use his or her position with the District to attempt to sell products or services.





EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
NEPOTISM

DBE  
(LEGAL)

DEFINITION In this policy, the term “appoint” includes appointing, confirming the appointment of, and voting to appoint or confirm the appointment of a person.

NEPOTISM PROHIBITED Except as provided by this policy, a public official may not appoint a person to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The person is related to the public official by consanguinity (blood) within the third degree or by affinity (marriage) within the second degree [see below]; or
2. The public official holds the appointment or confirmation authority as a member of a local board and the person is related to another member of the board by blood or marriage within a prohibited degree.

*Gov't Code 573.002, 573.041; Atty. Gen. Op. JC-0184 (2000)*

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

SUPERINTENDENT To the extent the Board has delegated final hiring authority to the Superintendent to select personnel, the Superintendent is a “public official” for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See BBFA]

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

CONSANGUINITY Two persons are related to each other by consanguinity (blood) if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parents for this purpose. *Gov't Code 573.022*

An individual's relatives within the third degree by consanguinity are the individual's:

1. Parent or child (first degree);
2. Brother, sister, grandparent, or grandchild (second degree); and
3. Great-grandparent, great-grandchild, aunt or uncle (who is a sibling of a parent of the person), nephew or niece (who is a child of a brother or sister of the person) (third degree).

*Gov't Code 573.023* [See DBE(EXHIBIT)]

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
NEPOTISM

DBE  
(LEGAL)

HALF-BLOOD RELATIVES	<p>There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full blood. <i>Atty. Gen. Op. LO-90-30 (1990)</i></p>
AFFINITY	<p>Two persons are related to each other by affinity (marriage) if they are married to each other or if the spouse of one of the persons is related by consanguinity to the other person.</p> <p>The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of the marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. This provision applies to a Board member or officer of the District only until the youngest child of the marriage reaches the age of 21 years.</p> <p><i>Gov't Code 573.024</i></p> <p>A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of affinity is the same as the degree of the underlying relationship by consanguinity. For example, if two persons are related to each other in the second degree by consanguinity, the spouse of one of the persons is related to the other person in the second degree by affinity.</p> <p>A person's relatives within the second degree by affinity are:</p> <ol style="list-style-type: none"><li>1. The person's spouse;</li><li>2. Anyone related by consanguinity to the person's spouse within the first or second degree; and</li><li>3. The spouse of anyone related to the person by consanguinity within the first or second degree.</li></ol> <p><i>Gov't Code 573.025</i></p>
EFFECT OF TRUSTEE RESIGNATION	<p>All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a Trustee's resignation is filled by a successor, the Trustee continues to serve and have the duties and powers of office, and a relative within a prohibited degree of relationship is barred from employment. <i>Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945)</i></p>
EXCEPTIONS CONTINUOUS EMPLOYMENT ('GRANDFATHER CLAUSE')	<p>The nepotism prohibitions do not apply to the appointment of a person to a position if the person is employed in the position immediately before the election or appointment of the public official to whom the person is related in a prohibited degree and that prior employment is continuous for at least:</p>

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
NEPOTISM

DBE  
(LEGAL)

1. Thirty days, if the public official is appointed; or
2. Six months, if the public official is elected.

*Gov't Code 573.062(a)*

RETIREES

A teacher who has retired from a full-time, certified teacher position has broken his or her employment with the District and does not qualify for the continuous-employment exception to the nepotism laws. *Atty. Gen. Op. JC-0442 (2001)*

For purposes of calculating the appropriate date for the applicability of the continuous-employment exception, a superintendent with final authority to select personnel is an appointed public official. *Atty. Gen. Op. GA-0177 (2004)*

ABSTENTION

If an employee continues in a position under this exception, the public official to whom the employee is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee, if the action applies only to the employee and is not taken regarding a bona fide class or category of employees. *Gov't Code 573.062(b)*

A "change in status" includes a reassignment within an organization, whether or not a change in salary level accompanies the reassignment. *Atty. Gen. Op. JC-0193 (2000)*

For an action to be "taken with respect to a bona fide category of employees," the officeholder's action must be based on objective criteria, which do not allow for the preference or discretion of the officeholder. *Atty. Gen. Op. DM-46 (1991)*

SUBSTITUTE  
TEACHER

The nepotism prohibitions do not apply to appointment or employment of a substitute teacher. *Gov't Code 573.061*

TRADING

A public official may not appoint a person to a position in which the person's services are under the public official's direction or control and that is to be compensated directly or indirectly from public funds or fees of office if:

1. The person is related to another public official within the prohibited degree; and
2. The appointment would be carried out in whole or in partial consideration for the other public official's appointing a person who is related to the first public official within a prohibited degree.

*Gov't Code 573.044*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
NEPOTISM

DBE  
(LEGAL)

FEDERAL FUNDS

The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds. Thus, the rules apply in the case of a teacher paid with funds from a federal grant. *Atty. Gen. L.A. No. 80 (1974)*

PENALTIES

An individual who violates the nepotism prohibitions shall be removed from his or her position. *Gov't Code 573.081, 573.082.*

An individual who violates Government Code 573.041 (Prohibition on Public Officials), 573.062(b) (see CONTINUOUS EMPLOYMENT and ABSTENTION, above), or 573.083 (see COMPENSATION OF PROHIBITED EMPLOYEE) commits an offense involving official misconduct. *Gov't Code 573.084*

EMPLOYMENT PRACTICES

DC  
(LOCAL)

PERSONNEL DUTIES	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
POSTING VACANCIES	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.
APPLICATIONS	All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.
CRIMINAL HISTORY RECORD	The District shall obtain criminal history record information on a person the District intends to employ.
EMPLOYMENT OF CONTRACTUAL PERSONNEL	<p>The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel.</p> <p>The Board retains final authority for employment of contractual personnel. [See DCA, DCB, DCC, and DCE as appropriate]</p>
EMPLOYMENT OF NONCONTRACTUAL PERSONNEL	The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]
EXIT INTERVIEWS AND EXIT REPORTS	An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the District.



EMPLOYMENT PRACTICES  
AT-WILL EMPLOYMENT

DCD  
(LOCAL)

Personnel employed on an at-will basis include but are not limited to employees in the following categories: noncertified administrators other than central office administrators, other noncertified professionals, teachers with school district permits, paraprofessionals, and auxiliary employees.

ASSIGNMENT AND  
EVALUATION

The Superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment.

Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with administrative procedures. [See DN]

REASONABLE  
ASSURANCE OF  
EMPLOYMENT

At-will employees in positions normally requiring less than 12 months of service annually and who are expected to report to work at the beginning of the following school session shall be provided a letter of reasonable assurance of employment. [See CRF]

DISMISSAL

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

APPEAL TO BOARD

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





COMPENSATION AND BENEFITS  
SALARIES AND WAGES

DEA  
(LEGAL)

STATE FUNDING

Subject to Education Code 42.2516(g) and (h) (regarding reduction in state aid for certain districts), the District is entitled to state revenue necessary to provide the District with an amount equal to \$2,500 for each classroom teacher, full-time librarian, full-time counselor, and full-time school nurse employed by the District and entitled to the state minimum salary. *Education Code 42.2516(b)(2)*

The District is entitled to state aid in an amount equal to the sum of:

1. \$500 for each full-time District employee, other than administrators or employees subject to the minimum salary schedule; and
2. \$250 for each part-time District employee, other than administrators.

A determination by the Commissioner under this provision is final and may not be appealed.

*Education Code 42.2513*

MINIMUM SALARY  
SCHEDULE —  
EDUCATORS

The District shall pay each classroom teacher, full-time librarian, full-time counselor, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, specified in Education Code 21.402 and 19 TAC 153.1021.

DEFINITIONS

"Classroom teacher" means an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting, focusing on the delivery of the Texas Essential Knowledge and Skills, and who holds the relevant certificate from SBEC. Although noninstructional duties do not qualify as teaching, necessary functions related to the educator's instructional assignment, such as instructional planning and transition between instructional periods, should be applied to creditable classroom time.

"Librarian" means an educator who provides full-time library services and holds the relevant certificate from SBEC.

"Counselor" means an educator who provides full-time counseling and guidance services and holds the relevant certificate from SBEC.

"Nurse" means an educator employed to provide full-time nursing and health care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse

COMPENSATION AND BENEFITS  
SALARIES AND WAGES

DEA  
(LEGAL)

education, licensure, and practice and has been issued a license to practice professional nursing in Texas.

“Full-time” means contracted employment for at least ten months (187 days) for 100 percent of the school day, in accordance with the definitions of school day in Education Code 25.082, employment contract in Education Code 21.002, and school year in Education Code 25.081.

*19 TAC 153.1022(a)*

PLACEMENT ON  
SALARY SCHEDULE

The Commissioner’s rules determine the experience for which a teacher, librarian, counselor, or nurse is to be given credit in placing the teacher, librarian, counselor, or nurse on the minimum salary schedule. The District shall credit the teacher, librarian, counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.402(a), 21.403(c); 19 TAC 153.1022*

EDUCATOR  
COMPENSATION  
FOR 2006–07

For the 2006–07 school year, a classroom teacher, full-time librarian, full-time counselor, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

1. The monthly salary the employee would have received for the 2006–07 school year under the District’s salary schedule for the 2005–06 school year, if that schedule had been in effect for the 2006–07 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006–07 school year; and
2. \$250.

*Education Code 21.402(c-1)*

A classroom teacher, full-time librarian, full-time counselor, or full-time school nurse employed by the District in the 2006–07 school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2006–07 school year. *Education Code 21.402(c-2)*

Education Code 21.402(c-1) and (c-2) expire September 1, 2007.

SUPPORT STAFF  
COMPENSATION

The District shall pay each District employee, other than an administrator or an employee subject to the minimum salary schedule, an amount at least equal to:

1. \$500, for full-time employees.
2. \$250, for part-time employees.

COMPENSATION AND BENEFITS  
SALARIES AND WAGES

DEA  
(LEGAL)

Such payment is in addition to wages the District would otherwise pay the employee during the school year.

*Education Code 22.107*

PAY INCREASES

The District shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. *Tex. Const. Art. III, Sec. 53* [See CE(LEGAL)]

SALARY ADVANCES  
AND LOANS

The District shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.-Houston [1st Dist.] 1976, no writ)*

DESIGNATION OF  
COMPENSATION FOR  
BENEFITS

An employee who is covered by a cafeteria plan or who is eligible to pay health care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health care supplementation. The amount designated may not exceed the amount permitted under federal law. *Education Code 21.103*

USE

An employee may use the compensation designated for health care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health care premiums through a premium conversion plan. *Education Code 21.106*

ANNUAL ELECTION

Each school year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health care supplementation. The election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 21.105*

DEFINITION

For purposes of the designation of compensation as health care supplementation, "employee" means an active, contributing member of TRS who:

1. Is employed by the District;
2. Is not a retiree eligible for coverage under Insurance Code Chapter 1575 (retiree group health benefits);
3. Is not eligible for coverage by a group insurance plan under Insurance Code Chapter 1551 (state employee health insurance) or Chapter 1601 (state university employee health insurance); and
4. Is not an individual performing personal services for the District as an independent contractor.

COMPENSATION AND BENEFITS  
SALARIES AND WAGES

DEA  
(LEGAL)

*Education Code 22.101(2)*

FAIR LABOR  
STANDARDS ACT

Unless an exemption applies, the District shall pay each of its employees not less than minimum wage. *29 U.S.C. 206(a)(1)*

MINIMUM WAGE

Unless an exemption applies, the District shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours in excess of forty in any workweek. *29 U.S.C. 207(a)(1); 29 CFR part 778*

COMPENSATORY  
TIME

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

ACCRUAL

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

PAYMENT FOR  
ACCRUED TIME

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at *29 U.S.C. 207(o)(4)*.

USE

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the District.

The Fair Labor Standards Act does not prohibit the District from compelling the use of accrued compensatory time.

*29 U.S.C. 207(o); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)*

EXEMPT  
EMPLOYEES

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity, including academic administrative personnel or teachers in elementary or secondary schools. *29 U.S.C. 213(a)(1)*

COMPENSATION AND BENEFITS  
SALARIES AND WAGES

DEA  
(LEGAL)

SALARY BASIS	To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay employees on a salary basis.
SAFE HARBOR POLICY	<p>If the District has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the District will not lose the deduction unless the District willfully violates the policy by continuing to make improper deductions after receiving employee complaints.</p> <p>The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on the District's intranet.</p> <p><i>29 CFR 541.600, .602(a), .603</i></p>
WAGE AND HOUR RECORDS	The District shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. <i>29 CFR 516.2</i>
TRS CONTRIBUTIONS FOR NEW HIRES	<p>During each fiscal year, the District shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the retirement system, during their first 90 days of employment.</p> <p>“New member” means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.</p> <p>On a monthly basis, the District shall:</p> <ol style="list-style-type: none"><li data-bbox="561 1629 1443 1766">1. Certify to TRS the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments under this section for the payroll periods; and</li><li data-bbox="561 1787 1443 1885">2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each employee showing the applicable salary as well as aggregate</li></ol>

COMPENSATION AND BENEFITS  
SALARIES AND WAGES

DEA  
(LEGAL)

compensation for the first 90 days of employment for new employees.

The District must remit the amount required under this section to TRS at the same time the District remits the member's contribution. In computing the amount required to be remitted, the District shall include compensation paid to an employee for the entire pay period that contains the 90th calendar day of new employment.

*Gov't Code 825.4041*

TRS SURCHARGE FOR  
REHIRED RETIREES  
TRS FUND  
CONTRIBUTIONS

During each payroll period for which a retiree is reported, the District shall contribute to the retirement system for each retiree reported an amount based on the retiree's salary equal to the sum of:

1. The current contribution amount that would be contributed by the retiree if the retiree were an active, contributing member; and
2. The current contribution amount authorized by the General Appropriations Act that the state would contribute for that retiree if the retiree were an active, contributing member.

HEALTH  
INSURANCE  
CONTRIBUTIONS

In addition, each payroll period and for each rehired retiree who is enrolled in TRS Care (retiree group health insurance), the District shall contribute to the TRS Care trust fund any difference between the amount the retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the full cost of the retiree's and enrolled dependents' participation in the group program, as determined by TRS. If more than one employer reports the retiree to TRS during a month, the amount of the required payment shall be prorated among employers.

EXCEPTION

The District is not required to contribute these amounts for a retiree who was reported under retirement system rules in effect for the report month of January 2005 by:

1. The reporting employer; or
2. Another employer, if both employers are school districts that formed a consolidated school district on or before September 1, 2005.

*Gov't Code 825.4092; Insurance Code 1575.204*

COMPENSATION AND BENEFITS  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

TEXAS EDUCATOR EXCELLENCE GRANT	The Texas Educator Excellence Grant is an annual grant program under which the District may receive a grant on behalf of an eligible campus as an award for student achievement. Funds from the program will be distributed to a district, on behalf of an eligible campus, that submitted an approved campus incentive plan developed in accordance with Education Code 21.654 and 19 TAC 102.1071(c).
SUBMISSION OF APPLICATION	The District must act pursuant to its local Board policy for submitting a campus incentive plan and grant application to TEA. The Board may either vote to submit a grant application or designate the Superintendent to submit the application on the Board's behalf. The Superintendent may act on previously delegated authority regarding the submission of the grant(s).
EXCLUSION OF CERTAIN TEACHERS	A campus or the District may choose to exclude from receiving an incentive award a teacher who has transferred or retired or who works part-time on a campus eligible to receive grant funds. In such instance, the campus incentive plan must reflect the campus/District policies with regard to such a teacher at the program start date.
AMOUNT OF AWARDS	Each individual incentive should be no less than \$3,000 and no more than \$10,000 per teacher to the extent practicable.
NO APPEALS	The following decisions of the Board relating to the program are not appealable to the Commissioner: <ol style="list-style-type: none"><li>1. A decision to approve and/or submit an incentive plan and/or grant application;</li><li>2. A local grievance decision as to whether an award was made in compliance with the approved plan;</li><li>3. A decision as to whether award amounts between \$3,000 and \$10,000 per teacher are practicable.</li></ol> <p><i>19 TAC 102.1071</i></p>
CONTRACT PROVISION	The District shall provide in employment contracts that qualifying employees may receive an incentive payment under the Educator Excellence Award Program and Student Achievement Awards Program if the District participates in one of these programs. The District shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. <i>Education Code 21.415</i>
MENTOR TEACHERS	The District may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience. A teacher assigned as a mentor must:

COMPENSATION AND BENEFITS  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

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

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

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

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

1. Mentor teacher stipends;
2. Scheduled time for mentor teachers to provide mentoring to assigned classroom teachers; and
3. Mentoring support through providers of mentor training.

*Education Code 21.458*

MASTER TEACHER  
GRANT PROGRAMS

The District may apply to the Commissioner of Education for grants to be used to pay stipends to certified master reading teachers, master mathematics teachers, master technology teachers, and master science teachers.

TEACHER  
ELIGIBILITY

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

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

*19 TAC 102.1011(g), 102.1013(g), 102.1015(g)*

DESIGNATION OF  
TEACHER

A district that employs more certified master teachers than the number of grants available shall select the certified master teacher(s) to whom to pay the stipends based on a policy adopted by the Board, except that the District shall pay a stipend for two additional consecutive school years to a teacher:



COMPENSATION AND BENEFITS  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

1. The District has selected for and paid a stipend for a school year who remains eligible for a certified master teacher stipend; and
2. For whom the District receives a grant under this section for those years.

The District's decision is final and may not be appealed.

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

*Education Code 21.410(g), 21.411(g), 21.412(g), 21.413(g);  
19 TAC 102.1015(h), 102.1011(h), 102.1013(h)*

REDUCTION OF  
STIPEND

If state funds are appropriated but are insufficient to fully fund a master reading teacher, master mathematics teacher, or master science teacher grant, the Commissioner shall reduce the grant paid to each district and the District shall reduce the stipend the District pays to each teacher under the grant program proportionately so that each selected teacher receives the same amount of money. If funds are insufficient to fully fund a master technology teacher grant, the Commissioner shall determine the method of distributing the funds.

A stipend a teacher receives under this program is not considered in determining whether the District is paying the teacher the minimum monthly salary.

The District must pay state stipends to certified master reading, science, and mathematics teachers no later than 30 days after receipt of the grant by the District.

*Education Code 21.410-.413; 19 TAC 102.1011, 102.1013,  
102.1015*

RETIREMENT  
INCENTIVES

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

ATTENDANCE  
SUPPLEMENT

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



COMPENSATION AND BENEFITS  
INCENTIVES AND STIPENDS

DEAA  
(LOCAL)

MASTER TEACHER  
STIPENDS

At the end of the school year, a master teacher shall be paid the stipend for any month in which the teacher performed the prescribed duties for more than ten days. [See DBA]

If the number of master teachers exceeds the grants allocated, the District shall first fund the stipends for master teachers in their second or third year in the master program, as required by law. The District shall distribute the remaining funds among newly assigned master teachers based on:

LOCAL CRITERIA

1. Length of time teaching in the subject area.
2. Seniority in the District, as measured from the employee's most recent date of hire.

EDUCATOR  
INCENTIVE  
PROGRAMS

The Superintendent shall have authority to submit incentive plans and grant applications for incentive programs to TEA, on behalf of the Board. The incentive plans shall address teacher eligibility, including any exclusions.

[See also DEA regarding stipends for noncontractual supplemental duties.]



REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. A decision by a campus intervention team under Education Code 39.1324 that the employee not be retained at a reconstituted campus.
11. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
12. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
13. Failure to meet the District's standards of professional conduct.
14. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]

15. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); and conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
16. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
17. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
18. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
19. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
20. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
21. A significant lack of student progress attributable to the educator.
22. Behavior that presents a danger of physical harm to a student or to other individuals.
23. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
24. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
25. Falsification of records or other documents related to the District's activities.
26. Falsification or omission of required information on an employment application.
27. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
28. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.

TERM CONTRACTS  
NONRENEWAL

DFBB  
(LOCAL)

29. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
30. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
31. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
32. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
33. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS  
FROM  
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. The Superintendent shall require that each administrator's recommendation for nonrenewal be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S  
RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Copies of written evaluations, other supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal.

The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations. If the Board votes to propose nonrenewal for any employees, it shall also decide whether any requested hearing will be conducted by the Board or by an independent hearing examiner.

NOTICE OF  
PROPOSED RENEWAL  
OR NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract. If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal, a reasonable time before the hearing.

TERM CONTRACTS  
NONRENEWAL

DFBB  
(LOCAL)

In the notice of proposed nonrenewal, the employee shall receive notice of whether the Board [see HEARING BY THE BOARD, below] or an independent hearing examiner [see HEARING BY A HEARING EXAMINER, below] will conduct the hearing.

HEARING BY A  
HEARING EXAMINER

If the Board has determined that the nonrenewal hearing will be conducted by an independent hearing examiner, the employee must file a written request with the Commissioner of Education not later than the 15th day after receiving the notice of the proposed nonrenewal. The employee must provide a copy of this request to the Board.

HEARING  
PROCEDURE

The hearing shall be conducted in accordance with the independent hearing procedures detailed at DFD.

BOARD DECISION

Following the hearing, the Board shall take appropriate action in accordance with DFD.

HEARING BY THE  
BOARD

If the Board has chosen to conduct the nonrenewal hearing rather than use an independent hearing examiner, and the employee desires a hearing, the employee shall notify the Board in writing not later than the 15th day after receiving the notice of proposed nonrenewal. The hearing shall be held not later than the 15th day after receipt of the employee's request for a hearing, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING  
PROCEDURE

The hearing shall be conducted in closed meeting unless the employee requests that it be open, with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until it is their turn to present evidence. The employee and the administration may each be represented by a representative of each party's choice. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the Board President's control and in general shall follow the steps listed below:

1. After consultation with the parties, the Board President shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.



TERM CONTRACTS  
NONRENEWAL

DFBB  
(LOCAL)

3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

BOARD DECISION

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

NO HEARING

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.



EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

The District does not discriminate in any of its programs, activities, services, or other operations on the basis of race, color, religion national origin, disability, or age. The District does not tolerate discriminatory behavior by its employees that may arise in any program or activity operated by the District.

All District employees shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

VIOLATIONS OF  
STANDARDS OF  
CONDUCT

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, or guidelines shall be subject to a full range of possible disciplinary actions, based on the severity of the violation and its overall effect on the welfare of other employees or students. The disciplinary actions range from a conference with a staff member or letter of reprimand to nonrenewal of a written employment contract at the end of the contract period to immediate termination of the employment contract. [See DCD and DF series]

SAFETY  
REQUIREMENTS

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR  
ABUSE

Employees shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect]

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

RELATIONSHIPS WITH  
STUDENTS

Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

student and a District employee is always prohibited, even if consensual. [See FFH]

TOBACCO USE

Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]

ALCOHOL AND DRUGS

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.

NOTICE

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See D1(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

ARRESTS,  
INDICTMENTS,  
CONVICTIONS, AND  
OTHER  
ADJUDICATIONS

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
  - Dishonesty; fraud; deceit; theft; misrepresentation;
  - Deliberate violence;
  - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
  - Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
  - Acts constituting abuse under the Texas Family Code.

DRESS AND  
GROOMING

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.



PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

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 BQB].
TRAINING SPECIFICS	<p>The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.</p> <p>The staff development may include:</p> <ol style="list-style-type: none"><li>1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;</li><li>2. Training that relates to instruction of students with disabilities and is designed for educators who work primarily outside the area of special education; and</li><li>3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.</li></ol> <p><i>Education Code 21.451</i></p> <p>The District may use District-wide staff development that has been developed and approved through the District-level decision process. <i>Education Code 21.452(c)</i></p>
SPECIAL PROGRAMS TRAINING	A district that receives assistance under Title I shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the state content standards, to enable all children to meet the state's student performance standards; and shall meet the requirements of federal law. <i>20 U.S.C. 6320(a), 7801(34)</i>
TITLE I STAFF DEVELOPMENT	
GIFTED AND TALENTED EDUCATION	<p>The District shall ensure that:</p> <ol style="list-style-type: none"><li>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.</li><li>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.</li><li>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.</li></ol>

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

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*

ADULT EDUCATION 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.

*19 TAC 89.25(a)(1), (2)*

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. *19 TAC 89.25(a)(4)(B)*

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. *19 TAC 89.25(a)(5)*

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. *19 TAC 89.25(7)*

RECORDS Records of staff qualifications and professional development shall be maintained by the District and must be available for monitoring. *19 TAC 89.25(a)(6)*

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



PERFORMANCE APPRAISAL

DN  
(LOCAL)

GENERAL PRINCIPLES	All District employees shall be periodically appraised in the performance of their duties. The District's employee evaluation and appraisal system shall be administered consistent with the general principles set out below.
CRITERIA	The employee's performance of assigned duties and other job-related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be evaluated.
PERFORMANCE REVIEW	Evaluation and appraisal ratings shall be based on the evaluation instrument and cumulative performance data gathered by supervisors throughout the year. Each employee shall have at least one evaluative conference annually, except as otherwise provided by policy, to discuss the written evaluation and may have as many conferences about performance of duties as the supervisor deems necessary. [See also DNA and DNB]
DOCUMENTATION AND RECORDS	Appraisal records and forms, reports, correspondence, and memoranda may be placed in each employee's personnel records to document performance.
EMPLOYEE COPY	All employees shall receive a copy of their annual written evaluation.
COMPLAINTS	Employees may present complaints regarding the evaluation and appraisal process in accordance with the District's complaint policy for employees. [See DGBA]



**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
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EEJB	Credit by Examination Without Prior Instruction
EEJC	Correspondence Courses
EEL	Contracts with Outside Agencies
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials Selection and Adoption
EFAA	Textbook Selection and Adoption
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
EFE	Copyrighted Material
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	Individualized Education Program (IEP) and ARDs
EHBAC	Students in Non-District Placement

**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**

EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technology Education
EHBG	Prekindergarten
EHBH	Other Special Populations
EHBI	Adult and Community Education
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHD	Extended Instructional Programs
EHDA	Summer School
EHDB	Travel Study
EHDC	Honors
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EI	<b>ACADEMIC ACHIEVEMENT</b>
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	<b>ACADEMIC GUIDANCE PROGRAM</b>
EK	<b>TESTING PROGRAMS</b>
EKB	State Assessment
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	<b>CHARTER CAMPUS OR PROGRAM</b>
EM	<b>MISCELLANEOUS INSTRUCTIONAL POLICIES</b>
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Animals in the School
EMI	Study of Religion

LENGTH AND  
SCHEDULE

A school day shall be at least seven hours each day, including intermissions and recesses.

PLEDGES OF  
ALLEGIANCE

The Board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags. On written request from a student's parent or guardian, the District shall excuse the student from reciting a pledge of allegiance.

MOMENT OF  
SILENCE

The Board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

*Education Code 25.082*

KINDERGARTEN  
PROGRAM

A public school kindergarten may be operated on a half-day or full-day basis as determined by the Board. *Education Code 29.152*

GRANT  
PROGRAMS

The District may use funds from grants administered by the Commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155*

INTERRUPTIONS

The Board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day. *Education Code 25.083*



INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EEJB  
(LOCAL)

TEST SELECTION	The Superintendent or designee shall be responsible for development or selection of tests to be used to grant credit to students without prior instruction in a subject area or grade level. Whether tests are developed by the District or purchased from a source approved by the State Board of Education, each examination shall thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
TEST DATES	The Superintendent or designee shall establish a schedule of dates when examinations for acceleration shall be administered and shall ensure that such dates are published in the student handbook and in other District publications, as appropriate.
RETESTING	If a student fails to score 90 percent on a credit by examination, the student shall not be allowed to retest during the same six-month period of published dates.
REGISTRATION	A student planning to take an examination for acceleration shall be required to register with the principal or designee prior to the scheduled testing date on which the student wishes to take the test.
FEES	The District shall not charge for an examination for acceleration on the published dates or alternate dates. However, a deposit shall be collected and refunded upon completion of the examination. A student who schedules but fails to appear for an examination shall forfeit the deposit. The District may deny a parent's or student's request for an alternate examination or alternate date. If the District grants a request for an alternate exam or for a course the District does not offer, it may use a test purchased by the parent or student from a source approved by the State Board of Education.
CREDIT APPROVAL	Approval of credit or advancement on the basis of an examination for acceleration shall be by the Superintendent or designee, in accordance with State Board rules and the following criteria: <ol style="list-style-type: none"><li>1. In grades 1–5, a student shall score 90 percent in all four foundation areas to be accelerated to the next grade level.</li><li>2. In grades 6–12, a student shall score 90 percent per semester course to gain credit. For full credit courses, a student shall score 90 percent on both semester examinations to gain credit. If a student scores 90 percent on only one semester of a full credit course, the student may not be placed in the next course level.</li></ol>
KINDERGARTEN ACCELERATION	The Superintendent or designee shall develop procedures to allow a student not six years old at the beginning of the school year to be placed initially in first grade. Criteria for acceleration may include:

INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EEJB  
(LOCAL)

1. Scores on readiness test(s) and/or achievement test(s) that may be administered by appropriate District personnel.
2. Chronological age and observed social and emotional development of the student.
3. Other criteria deemed appropriate by the principal and Superintendent or designee.



INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

Textbooks selected for use in the public schools shall be furnished without cost to students attending those schools. *Education Code 31.001*

PARENTAL ACCESS

A parent is entitled to review all teaching materials, textbooks, and other teaching aids used in the classroom of the parent's child and to review each test administered to the child after the test is administered. The District shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

A student's parent is entitled to request that the District allow the student to take home any textbook used by the student. Subject to the availability of a textbook, the District or school shall honor the request. A student who takes home a textbook must return the textbook to school at the beginning of the next school day if requested to do so by the student's teacher.

*Education Code 26.006*

PARENTAL  
INSPECTION

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

STUDENT RIGHTS

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

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.

INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

POLICIES

As a condition of receiving funds under any applicable program, the District shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student.
2. The District's arrangements to protect student privacy in the event a survey containing the items listed under STUDENT RIGHTS, above, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student.
4. The administration of physical examinations or screenings that the District may administer to the student;
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.
6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered.

The District need not develop and adopt new policies if TEA or the District had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See FL, FNG, FFAA, and CRD]

PARENTAL  
NOTIFICATION

The District shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the stu-

INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

dents enrolled in schools served by the District. At a minimum, the District shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

The District shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at STUDENT RIGHTS, above.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

'PERSONAL  
INFORMATION'  
DEFINED

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social Security identification number.

*20 U.S.C. 1232h(c)(6)(E)*



CURRICULUM DEVELOPMENT  
INNOVATIVE AND MAGNET PROGRAMS

EGA  
(LEGAL)

INNOVATIVE  
COURSES AND  
PROGRAMS

The District may develop innovative and other locally developed courses designed to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

STATE BOARD  
APPROVAL

The State Board of Education may approve proposed courses not described in the foundation and enrichment curricula when the District demonstrates that the course is academically rigorous and addresses documented student needs.

COMMISSIONER  
APPROVAL

The Commissioner may approve a course proposed for use as a discipline-based course in the foundation or enrichment curriculum when the District demonstrates that the proposed course is academically challenging and addresses documented student needs.

*19 TAC 74.27(a)*

MAGNET SCHOOLS  
OR PROGRAMS

The District may operate magnet schools or programs to serve student populations with specialized interests and aptitudes.

Magnet schools or programs that do not meet all of the applicable requirements of 19 TAC, Chapter 74, Curriculum Requirements, shall be submitted to the Commissioner for approval by the State Board of Education.

*19 TAC 74.27(b)*

DUAL LANGUAGE  
IMMERSION  
PROGRAM

Consistent with rules adopted by the Commissioner, the 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 should be designed to produce students with a demonstrated mastery, in both English and one other language, of the required curriculum under Education Code 28.002(a). The Commissioner by rule shall adopt minimum requirements for a dual language immersion program, standards for evaluating the success of a program and the performance of schools that implement a program, and standards for recognizing schools that offer an exceptional program and students who successfully complete a program. *Education Code 28.0051*



BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (SECONDARY)

EHAC  
(LEGAL)

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. The District is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 TAC 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 TAC 74.1, relating to essential knowledge and skills. The District shall 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. *19 TAC 74.3(a)*

PHYSICAL ACTIVITY  
REQUIREMENTS

The Board shall adopt a policy that determines the extent to which students enrolled in middle and junior high school settings are allowed to meet physical activity requirements throughout the school year. The District must provide exemptions for:

1. Students in the health classifications specified in 19 TAC 74.31(2) and (3); or
2. Students participating in a TEKS-based physical education class or a TEKS-based structured activity.

The District may provide an exemption for students participating in private or commercially sponsored physical activities including those certified by the Superintendent to be of high quality and well supervised by appropriately trained instructors.

*Education Code 28.002(l); 19 TAC 74.32(b)*

HIGH SCHOOL  
COURSES AT EARLIER  
GRADES

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

GRADES 9–12  
COURSE OFFERINGS

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

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

1. English language arts — English I, II, III, IV.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.

3. Science — Integrated Physics and Chemistry, Biology, Chemistry, and Physics. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since Reconstruction, World History Studies, United States Government, and World Geography Studies.
5. Economics — Economics with Emphasis on the Free Enterprise System and Its Benefits.

The District shall incorporate instruction in personal financial literacy into any course meeting a requirement for an economics credit, using materials approved by the State Board of Education. The District may add elements at its discretion, but must include the areas of instruction listed at 19 TAC 74.34(b). *Education Code 28.0021; 19 TAC 74.34*

6. Physical education — Foundations of Personal Fitness and at least two of the following:
  - a. Adventure/Outdoor Education;
  - b. Aerobic Activities;
  - c. Individual Sports; or
  - d. Team Sports.
7. Health education — Health I.
8. 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.
9. Career and technology education, taught on a campus in the District with provisions for contracting for additional offerings with programs or institutions as may be practical [see EEL] — courses selected from at least three of the eight career and technology areas, as follows:
  - a. Agricultural science and technology education;
  - b. Business education;
  - c. Career orientation;



BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (SECONDARY)

EHAC  
(LEGAL)

- d. Health science technology education;
  - e. Family and consumer sciences education/home economics education;
  - f. Technology education/industrial technology education;
  - g. Marketing education; and
  - h. Trade and industrial education.
10. Languages other than English — Levels I, II, and III or higher of the same language.
11. 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.
12. Speech — Communications Applications.

*19 TAC 74.3(b)(2)*

The District must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If the District will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. *19 TAC 74.3(b)(2)*

The District shall teach any course a student is required to take for graduation or any course in which ten or more students indicate they will participate. For those courses in which fewer than ten students indicate that they will participate, the District shall either teach the course or use alternate delivery systems, as described in 19 TAC, Chapter 74, Subchapter C, to provide the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

The District may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

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 High School Programs include a research writing component. *19 TAC 74.3(b)(5)*



EXTENDED INSTRUCTIONAL PROGRAMS  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

COLLEGE CREDIT  
PROGRAM

Not later than the fall 2008 semester, the District shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a Texas institution of higher education shall assist the District in developing and implementing the program. *Education Code 28.009*

COLLEGE-LEVEL  
COURSES

The Board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools
2. Middle States Association of Colleges and Schools
3. New England Association of Colleges and Schools
4. North Central Association of Colleges and Schools
5. Western Association of Colleges and Schools
6. Northwest Association of Colleges and Schools

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by the District. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

*19 TAC 74.25*

DUAL CREDIT  
PROGRAMS

The District may enter into an agreement with a public college to form a dual credit partnership. *19 TAC Ch. 4, Subch. D*

For purposes of the following provisions, "college" means a public two-year associate degree-granting institution or a public university.

"Dual credit" means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school.

*19 TAC 4.83(4)*

ATTENDANCE  
ACCOUNTING

The time during which a student attends a dual credit course shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. [See FEB] *Education Code 42.005*

EXTENDED INSTRUCTIONAL PROGRAMS  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

PARTNERSHIP  
AGREEMENT

The Board of the District and the governing board of the college must approve any dual credit partnership between the schools before offering such courses.

The partnership agreement must address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and gathering;
7. Academic policies and student support services;
8. Transcribing of credit; and
9. Funding.

*19 TAC 4.84(a), 4.85*

CERTAIN ACADEMIES

The District shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

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 and has performed satisfactorily on the exit-level assessment instruments identified in Education Code 39.025; 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)*

DIPLOMA /  
TRANSCRIPT /  
CERTIFICATE OF  
COURSEWORK  
COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record (transcript), rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.41(a), 74.51(a), 74.61(a)* [See EI for provisions regarding certificate of coursework completion]

EXIT-LEVEL  
ASSESSMENT

A student may not receive a high school diploma until the student has performed satisfactorily on the secondary TAKS exit-level assessment for English language arts, mathematics, social studies, and science. A student is not required to demonstrate readiness to enroll in an institution of higher education. *Education Code 39.023(c), 39.025(a); 19 TAC 101.7(a)*

To fulfill the testing requirements for graduation, a student must be tested by either a Texas school district, Texas education service center, open-enrollment charter school, the Texas Education Agency (TEA), or other individual or organization designated by the Commissioner of Education.

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner.

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level testing requirement.

*19 TAC 101.5(e), 101.7*

ALTERNATIVE  
ASSESSMENTS

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

A student is eligible to substitute an alternative exit-level assessment for a TAKS exit-level assessment if the student, after Janu-

any 1 of the year in which the student would otherwise be eligible to graduate:

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

VERIFICATION OF  
ELIGIBILITY

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

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

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

*19 TAC 101.4001, 101.4003, 101.4005*

IMPLEMENTATION  
SCHEDULE

A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test.

STUDENTS WHO  
TAKE TAKS

Students who were enrolled in grade 8 or a lower grade on January 1, 2001, must fulfill testing requirements for graduation with the exit-level Texas Assessment of Knowledge and Skills (TAKS) tests. "Coursework necessary to graduate" means all coursework required under the student's graduation plan.

*19 TAC 101.3003*

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)*

LEP STUDENTS

Limited English proficiency (LEP) students are not eligible for an exemption from the exit-level assessment of academic skills on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone one time the initial administration of the exit-level test. The term "recent immigrant" is defined as an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005* [See EKB]

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

NOTICE OF  
GRADUATION  
REQUIREMENTS

In order to provide timely and full notification of graduation requirements, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and the student's parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

*19 TAC 101.13*

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 nine, as determined by the District.

A PGP must:

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

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

*Education Code 28.0212*

EARLY GRADUATION	A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of the Board concerning the request is final and may not be appealed. <i>Education Code 26.003(a)(3)(C), 26.003(b)</i> [See FMH, FNG]
STATE GRADUATION REQUIREMENTS	All credit for graduation must be earned no later than grade 12. <i>19 TAC 74.41(b), 74.51(b), 74.61(b)</i>

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**Note:** For current state graduation requirements, see <http://www.tea.state.tx.us/rules/tac/chapter074/index.html>.

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NINTH GRADERS IN 2001–02 THROUGH 2003–04	To receive a high school diploma, a student entering grade 9 in the 2001–02, 2002–03, or 2003–04 school year must pass the exit-level test and complete the requirements of the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. <i>19 TAC 74.41(c), 74.42–.44</i>
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NINTH GRADERS IN 2004–05 AND THEREAFTER	The District shall ensure that each student entering the ninth grade in the 2004–05 school year and thereafter enrolls in the courses necessary to complete the curriculum requirements identified by the State Board for the Recommended or Distinguished/Advanced 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 that the student should be permitted to take courses under the Minimum High School Program. <i>Education Code 28.025(b); 19 TAC 74.51(d), 74.52.–.54, 74.61(c)</i>
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MINIMUM HIGH SCHOOL PROGRAM	A student must earn at least 22 credits to complete the Minimum High School Program. A student must demonstrate proficiency in the program requirements listed at 19 TAC 74.11. <i>19 TAC 74.42, 74.52</i>
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RECOMMENDED HIGH SCHOOL PROGRAM	A student entering grade 9 in the 2007–08 school year or thereafter must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 74 TAC 74.63. <i>19 TAC 74.63</i>
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DISTINGUISHED ACHIEVEMENT PROGRAM	A student entering grade 9 in the 2007–08 school year or thereafter must earn at least 26 credits to complete the Distinguished
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ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

	<p>Achievement Program. A student must demonstrate proficiency in the program requirements listed at 19 TAC 74.64. <i>19 TAC 74.64</i></p>
SUBSTITUTIONS	<p>No substitutions are allowed for high school graduation requirements in the Recommended and Distinguished Achievement Programs, except as provided by State Board rule. <i>19 TAC 74.43(d), 74.44(e), 74.53(d), 74.54(e)</i></p>
CREDIT BY EXAMINATION	<p>Credit may be awarded with or without prior instruction if the student has earned credit by examination [see EEJA, EEJB]. <i>19 TAC 74.24(c)</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 74.41(g), 74.51(h)</i></p>
READING	<p>The 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><li>3. Monitors instructional activities to ensure that student needs are addressed.</li></ol> <p>Reading credits may be selected from Reading I, II, or III. <i>19 TAC 74.41(d), 74.51(e), 74.61(e)</i></p>
PHYSICAL EDUCATION SUBSTITUTIONS	<p>The Board may allow a student to substitute certain physical activities for the one and one-half required credits of physical education, including the one-half credit of Foundations of Personal Fitness. The substitutions must be based on the physical activity involved in drill team, marching band, and cheerleading during the fall semester; Junior Reserve Officer Training Corps (JROTC); athletics; Dance I-IV; and two- or three-credit career and technology work-based training courses. <i>19 TAC 74.11(d)(7)(A)</i></p>
PRIVATE OR COMMERCIALY SPONSORED PHYSICAL ACTIVITY PROGRAMS	<p>The Board may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus. The District must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. <i>19 TAC 74.43(b)(7)(C), 74.52(b)(7)(C), 74.53(b)(7)(C), 74.54(b)(7)(C), 74.63(b)(7), 74.64(b)(7)</i></p>

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

TRANSFERS FROM  
OUT-OF-STATE OR  
NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all high school graduation requirements under 19 TAC 74.41, 74.51, or 74.61 as applicable. 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 TAC 74.26. 19 TAC 74.11(f), 74.41(e), 74.51(f), 74.61(f) [See EEJA, EEJB, EEJC, EHDE, and EI]

GRADUATION OF  
SPECIAL EDUCATION  
STUDENTS

A student receiving special education services may graduate and be awarded a high school diploma if:

COMPLETION OF  
GENERAL  
EDUCATION  
REQUIREMENTS

1. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or
2. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument under Education Code 39.027(a)(2)(B).

COMPLETION OF  
IEP

A student receiving special education services may also graduate and receive a regular high school diploma when the student's ARD committee has determined that the student has successfully completed:

1. The student's IEP and met one of the following conditions:
  - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
  - b. Demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the District; 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; or
  - c. Access to services which 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;

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

2. The state's or District's (whichever is greater) minimum credit requirements for students without disabilities; and
3. The state's or District's minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

When considering a student's graduation under this provision, the student shall be evaluated before graduation as required by 34 CFR 300.534(c), and the ARD committee shall consider the evaluation, the views of the parent and/or student as appropriate, and, when appropriate, seek in writing and consider written recommendations from adult service agencies.

Students who participate in graduation ceremonies but who are not graduating and who will remain in school to complete their education do not have to be evaluated.

In addition, 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

A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

*19 TAC 89.1070*



ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LOCAL)

MINIMUM PROGRAM	The District requires completion of 2 credits in addition to those required by the state for graduation under the Minimum Program. The additional credits shall be electives. All students shall take Teen Leadership.
RECOMMENDED PROGRAM	The District requires no additional credits for graduation under the Recommended Program beyond those mandated by the state.
ADVANCED / DISTINGUISHED ACHIEVEMENT PROGRAM	The District requires no additional credits for graduation under the Advanced/Distinguished Achievement Program beyond those mandated by the state.
PHYSICAL EDUCATION SUBSTITUTIONS	<p>The District shall allow students to substitute certain physical activities for the 1.5 required credits of physical education. Such substitutions shall be based on the physical activity involved in:</p> <ol style="list-style-type: none"><li>1. Drill team, marching band, and cheerleading during the fall semester.</li><li>2. Athletics.</li><li>3. Dance I–IV.</li><li>4. Two- or three-credit career and technology work-based training courses.</li></ol>
OFF-CAMPUS PHYSICAL EDUCATION	The District shall award state graduation credit for physical education for appropriate private or commercially sponsored physical activity programs conducted off campus, upon District level approval.
READING CREDITS	<p>The District shall offer up to 3 credits of reading for state graduation credit. The Superintendent or designee shall be responsible for establishing procedures to assess individual student needs and evaluate student progress and shall monitor instructional activities to ensure that student needs are met. Students shall be identified as eligible to earn reading credit based on:</p> <ol style="list-style-type: none"><li>1. Recommendation by a teacher or counselor.</li><li>2. Scores on assessment instruments and/or achievement tests.</li></ol>



**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
FC	SCHOOL ATTENDANCE AREAS
FD	ADMISSIONS
FDA	Interdistrict Transfers
FDAA	Public Education Grants
FDB	Intradistrict Transfers
FDC	Homeless Students
FDD	School Safety Transfers
FE	ATTENDANCE
FEA	Compulsory Attendance
FEB	Attendance Accounting
FEC	Attendance for Credit
FED	Attendance Enforcement
FEE	Open/Closed Campus
FEF	Released Time
FF	STUDENT WELFARE
FFA	Wellness and Health Services
FFAA	Physical Examinations
FFAB	Immunizations
FFAC	Medical Treatment
FFAD	Communicable Diseases
FFAE	School-Based Health Centers
FFAF	Individualized Health Plan
FFB	Crisis Intervention
FFC	Student Support Services
FFD	Student Insurance
FFE	Student Assistance Programs/Counseling
FFEA	Comprehensive Guidance Program
FFEB	Substance Abuse
FFF	Student Safety
FFFA	Supervision of Students
FFFB	Safety Patrols
FFFD	Bicycle/Automobile Use
FFFF	School Buses
FFG	Child Abuse and Neglect
FFH	Freedom from Harassment
FG	STUDENT AWARDS AND SCHOLARSHIPS
FH	STUDENT VOLUNTEERS

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## SECTION F: STUDENTS

FJ	GIFTS AND SOLICITATIONS
FL	STUDENT RECORDS
FLA	Confidentiality of Student Health Information
FM	STUDENT ACTIVITIES
FMA	School-Sponsored Publications
FMB	Student Government
FMD	Social Events
FME	Performances
FMF	Contests and Competition
FMG	Travel
FMH	Commencement
FN	STUDENT RIGHTS AND RESPONSIBILITIES
FNA	Student Expression
FNAA	Distribution of Nonschool Literature
FNAB	Use of School Facilities for Nonschool Purposes
FNB	Involvement in Decision Making
FNC	Student Conduct
FNCA	Dress Code
FNCB	Care of School Property
FNCC	Prohibited Organizations and Hazing
FNCD	Tobacco Use and Possession
FNCE	Telecommunications Devices
FNCF	Alcohol and Drug Use
FNCG	Weapons
FNCH	Assaults
FNCI	Disruptions
FND	Married Students
FNE	Pregnant Students
FNF	Interrogations and Searches
FNG	Student and Parent Complaints/Grievances
FO	STUDENT DISCIPLINE
FOA	Removal by Teacher
FOB	Out-of-School Suspension
FOC	Placement in a Disciplinary Alternative Education Setting
FOCA	Disciplinary Alternative Education Program Operations
FOD	Expulsion
FODA	Juvenile Justice Alternative Education Program
FOE	Emergency Placement
FOF	Students with Disabilities
FP	STUDENT FEES, FINES, AND CHARGES



STUDENT RECORDS

FL  
(LEGAL)

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

SECTION I	Education Records	pages 2–3
	1. Definition of 'Education Records'	
	2. Screening Records	
	3. Immunization Records	
	4. Medical Records	
	5. Assessment Instruments	
	6. Academic Achievement Record	
SECTION II	Access, Disclosure, and Amendment	pages 3–9
	1. Access to Education Records: Parent, Student, and Other Persons	
	2. Request Procedure	
	3. Destruction of Requested Records	
	4. Subpoenaed Records	
	5. Transfer by Third Parties to Other Persons	
	6. Record of Access to Student Record	
	7. Right to Amend Records	
	8. Fees for Copies	
	9. Records of Students with Disabilities: Access, Consent, Confidentiality, Destruction	
	10. Annual Notification of Rights	
SECTION III	Directory Information	pages 9–12
	1. Definition and Disclosure of Directory Information	
	2. Designation of Directory Information	
	3. Annual Notice, Contents	
	4. Student Recruiting Information, Parental Consent to Release	
SECTION IV	Videotapes and Recordings	page 12
	1. Parental Consent	
	2. Exceptions to Consent	
SECTION V	Information from Law Enforcement	pages 12–14
	1. Criminal Records: Disclosure, Retention	
	2. Duty to Flag Records of Missing Children	
	a. Requests Made in Person and in Writing	
	b. Removal of Flag	

STUDENT RECORDS

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(LEGAL)

'EDUCATION  
RECORDS' DEFINED

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

The term "education records" does not include:

1. Records that contain only information about a student after he or she is no longer a student in the District.
2. Records made by District personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.

*20 U.S.C. 1232g; 34 CFR 99.3*

SCREENING  
RECORDS

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and acanthosis nigricans screening for each student in the school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to screening for acanthosis nigricans. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS. *20 U.S.C. 1232g; Health & Safety Code 36.006, 37.003, 95.004; 25 TAC 37.148(o)* [See FFAA]

IMMUNIZATION  
RECORDS

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

MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student's medical records maintained by the District. On request of a student's parent or guardian, the District shall provide a copy of the student's medical records to the parent or guardian. The District may not impose a charge that exceeds the amount authorized by

STUDENT RECORDS

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(LEGAL)

Section 552.261 of the Government Code [see GBA]. *Education Code 38.0095*

PRIVACY RULE FOR  
NON-EDUCATION  
RECORDS'

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

ASSESSMENT  
INSTRUMENTS

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

ACADEMIC  
ACHIEVEMENT  
RECORD (GRADES  
9-12)

The District shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by the District. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. The District shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.14(b)* [See EI]

ACCESS TO  
EDUCATION  
RECORDS

Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. "Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. *34 CFR 99.3, 99.10, 99.31(a)(8)*

The District shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *34 CFR 99.4; Family Code 153.012, 153.073*

A parent is entitled to access to all written records of the District concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psycho-

STUDENT RECORDS

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(LEGAL)

logical records, applications for admission, health and immunization information, teacher and counselor evaluations, and reports of behavioral patterns. *Education Code 26.004*

ACCESS BY  
STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student. *34 CFR 99.5*

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

ACCESS BY OTHER  
PERSONS

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

1. School officials, including teachers, who have legitimate educational interests. An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the District for reasons determined in District policy. *34 CFR 99.36; Education Code 38.009* [See DMA]
2. Officials of other schools or school systems in which the student seeks or intends to enroll, provided that the District either:
  - a. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
  - b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

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

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

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

4. Personnel involved with a student's application for, or receipt of, financial aid.
5. State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute adopted:
  - a. Prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or
  - b. After November 19, 1974, if:
    - (1) The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
    - (2) The officials and authorities to whom such information is disclosed certify in writing to the District that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.
6. Organizations conducting studies for educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies. Such information must be destroyed when no longer needed for the original purposes of the studies.
7. Accrediting organizations that require the information for purposes of accreditation.
8. Parents of a student who is a dependent for tax purposes.

9. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person. *34 CFR 99.36*
10. Any person requesting directory information after the District has given public notice of that definition. *34 CFR 99.37*

*20 U.S.C. 1232g(b); 34 CFR 99.31*

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

REQUEST  
PROCEDURE

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The District shall respond to reasonable requests for explanations and interpretations of the records. *34 CFR 99.10*

DESTRUCTION OF  
RECORDS

The District shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 CFR 99.10(e)*

SUBPOENAED  
RECORDS

The District shall release student records to an entity or persons designated in a subpoena. The District shall not disclose to any person the existence or contents of the subpoena if a court orders the District to refrain from such disclosure. Unless the court or other issuing agency orders the District to refrain from such disclosure, the District shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 CFR 99.31(9)*

TRANSFER NOT  
PERMITTED

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

The District shall inform a party to whom a disclosure is made of the requirements of 34 CFR 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; or the disclosure

STUDENT RECORDS

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(LEGAL)

is made to a parent of a student who is not an eligible student or to a student. *34 CFR 99.33(c), (d)*

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

1. The disclosures meet the requirements of 34 CFR 99.31; and
2. The District has complied with the requirements of 34 CFR 99.32(b) regarding the record of disclosure.

*34 CFR 99.33(b)*

RECORD OF ACCESS  
TO STUDENT RECORD

Each school shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records. The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, or requests for directory information. *34 CFR 99.32(d)*

RIGHT TO AMEND  
RECORDS

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

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

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(LEGAL)

*34 CFR 99.20, 99.21*

FEES FOR COPIES

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

RECORDS OF STUDENTS WITH DISABILITIES

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

ACCESS RIGHTS

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

1. Parents may request that a representative inspect and review the records. *34 CFR 300.613(b)(3)*
2. The District shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 CFR 300.613(a)*
3. The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 CFR 300.614*

LIST OF TYPES AND LOCATIONS OF INFORMATION

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

PARENTAL CONSENT

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

CONFIDENTIALITY

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of



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

DESTRUCTION OF  
INFORMATION

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

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

*34 CFR 300.624*

ANNUAL  
NOTIFICATION OF  
RIGHTS

The District shall give parents of students in attendance and eligible students in attendance annual notification of their rights under the Family Educational Rights and Privacy Act of 1974 and of the places where copies of this policy may be located, including notice of the right to file complaints concerning alleged failures by the District to comply with the provisions of the Act. The District shall effectively notify parents of students who have a primary or home language other than English. *20 U.S.C. 1232g(e); 34 CFR 99.7*

DIRECTORY  
INFORMATION

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

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

1. The types of personally identifiable information that it has designated as directory information.
2. The right of the parent to refuse to permit the District to designate any or all of that information about the student as directory information.

3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

An educational agency or institution may disclose directory information about former students without satisfying the public notice conditions above.

*34 CFR 99.3, 99.37*

DESIGNATION OF  
DIRECTORY  
INFORMATION

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

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

ANNUAL NOTICE

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

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

CONTENTS OF  
NOTICE

The notice must contain:

1. The following statement in boldface type that is 14-point or larger:  
  
“Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of District] to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by [insert date]. [Insert name of District] has designated the following information as directory information: [Here the District must include any directory information it chooses to designate as directory information for the District, such as a student’s name, address, telephone

listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]”;

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

*Education Code 26.013*

STUDENT  
RECRUITING  
INFORMATION

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

STUDENT RECORDS

FL  
(LEGAL)

CONSENT TO  
RELEASE

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

*20 U.S.C. 7908*

VIDEOTAPES AND  
RECORDINGS

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

EXCEPTIONS

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

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

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

INFORMATION FROM  
LAW ENFORCEMENT

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

The Superintendent or a person designated by the Superintendent may send the information in the notice to a District employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the District employee needs the information for educational purposes or for the protection of the person informed or others.

When the Superintendent or designee receives information from a prosecuting attorney of a student's conviction or adjudication of delinquent conduct for a felony offense or other specified offense, the Superintendent or designee shall promptly notify all instructional and support personnel who have regular contact with the student.

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

*Code of Criminal Procedure 15.27(a)–(d), (f), (h)*

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

DUTY TO FLAG  
RECORDS

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

REQUEST IN  
PERSON

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

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

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

REQUEST IN  
WRITING

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law en-

forcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REMOVAL OF FLAG

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

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

*Code of Criminal Procedure 63.020 - 63.022*

STUDENT CONDUCT  
DRESS CODE

FNCA  
(LOCAL)

PURPOSE

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

GENERAL  
GUIDELINES

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

The District prohibits pictures, emblems, or writings on clothing that:

1. Are lewd, offensive, vulgar, or obscene.
2. Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under FNCF(LEGAL).

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above and with the student dress code outlined in the student handbook.

EXTRACURRICULAR  
ACTIVITIES

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate dress and grooming standards established for such an activity may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action, as specified in the Student Code of Conduct. [See FO series]





ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GA  
(LEGAL)

NONDISCRIMINATION	No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any District program or activity. <i>42 U.S.C. 2000d</i>
SOCIAL SECURITY NUMBERS	It shall be unlawful for the District to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.
EXCEPTIONS	The above provision does not apply to: <ol style="list-style-type: none"><li data-bbox="560 619 1429 787">1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;</li><li data-bbox="560 808 1429 945">2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or</li><li data-bbox="560 966 1429 1102">3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.</li></ol>
STATEMENT OF USES	A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.  <i>5 U.S.C. 552(a)</i>
INDIVIDUALS WITH DISABILITIES	No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the District, or be subjected to discrimination by the District. Nor shall the District exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association. <i>42 U.S.C. 12132; 28 CFR 35.130(g)</i>
DEFINITION	A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District. <i>42 U.S.C. 12131(2); 28 CFR 35.104</i>

ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GA  
(LEGAL)

REASONABLE  
MODIFICATION

The District shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 CFR 35.130(b)(7)*

COMMUNICATIONS

The District shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individual with disabilities. *28 CFR 35.160*

AUXILIARY AIDS  
AND SERVICES

“Auxiliary aids and services” includes (1) qualified interpreters, notetakers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments, (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments, (3) acquisition or modification of equipment or devices, and (4) other similar services and actions. *28 CFR 35.104*

LIMITS OF REQUIRED  
MODIFICATION

The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the Board after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion. *28 CFR 35.164*

NOTICE

The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such manner as the Board and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA. *28 CFR 35.106*

ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GA  
(LEGAL)

COMPLIANCE  
COORDINATOR

The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. *28 CFR 35.107* [See DAA and GF]

RELIGIOUS FREEDOM

The District may not substantially burden a person's free exercise of religion, unless it is acting in furtherance of a compelling governmental interest and has used the least restrictive means of furthering that interest. *Civil Practice and Remedies Code 110.003* [See also DAA and FB]

