



Texas Association
of School Boards

Localized Policy Manual

Update 74

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Coppell ISD

Your Localized Update 74 includes refinements of existing materials as well as new policies addressing financial impropriety and fraud (in line with policy guidance provided by TEA) and the recent shift from health-care reimbursement arrangement accounts (HRAs) to supplemental compensation.

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 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 74 packet contains:

- ***Vantage Points—A Board Member’s Guide to Update 74***, 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 Manuals.

EXPLANATORY NOTES . . . summarizing changes in 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 74 materials can be identified by the DATE ISSUED—11/02/2004—located in the lower left corner of each page. If you have any questions concerning this Update, please call your Policy Consultant/Analyst, Kaye Teaff, at 800-580-7529 or 512-467-0222.

Instruction Sheet

TASB Localized Policy Manual Update 74

District Coppel ISD

Code		Action To Be Taken	Note
ATTN	(LOCAL)	NO POLICY ENCLOSED	See explanatory note
A25	(LEGAL)	Replace cross-index	Revised cross-index
AC	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBC	(LEGAL)	Replace policy	Revised policy
BBG	(LEGAL)	Replace policy	Revised policy
BEC	(LEGAL)	Replace policy	Revised policy
BQB	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CAA	(LOCAL)	ADD policy	See explanatory note
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CE	(LOCAL)	No policy enclosed	See explanatory note
CHG	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CR	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DBA	(LOCAL)	Replace policy	Revised policy
DBD	(LEGAL)	Replace policy	Revised policy
DBD	(LOCAL)	Replace policy	Revised policy
DEA	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DFF	(LOCAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
DNA	(LEGAL)	Replace policy	Revised policy
DNB	(LEGAL)	Replace policy	Revised policy
DNB	(EXHIBIT)	DELETE exhibit	See explanatory note

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Code		Action To Be Taken	Note
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBK	(LEGAL)	Replace policy	Revised policy
EL	(LEGAL)	Replace policy	Revised policy
EL	(LOCAL)	Replace policy	Revised policy
FD	(LEGAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
GKB	(LEGAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy
GKG	(LEGAL)	Replace policy	Revised policy

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District: Coppel ISD

ATTN (LOCAL)

Our records show that your District is in the process of completing a Policy Review Seminar that includes analysis and review of the Board policy manual. At the end of this process, districts often decide to reprint the contents of their manuals through the latest update, avoiding the task of manually replacing pages in the blue books.

We enclose only ONE MASTER COPY of the update materials on green paper, rather than the usual number of copies, for your review. Upon completion of the Policy Review Seminar, the Update 74 policies will be incorporated into a reprinted manual or will be provided separately as needed.

A25 (LEGAL) CROSS INDEX

The cross-index to your policy manual has been updated to reflect new terms and policy connections introduced by state and federal legislation enacted during the past two years.

AC (LEGAL) GEOGRAPHIC BOUNDARIES

At CONSOLIDATION, a pointer to Education Code requirements for consolidation of districts has been added.

BBA (LEGAL) BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

This policy previously melded statutory provisions regarding a candidate's eligibility to hold office and his or her status as a qualified (eligible, registered) voter. This melding obscured the reality that a candidate for the local board need not be a registered voter at the time he or she files for election. The candidate, however, must be a registered voter at the time of the election.

BBC (LEGAL) BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

At PRECLEARANCE REQUIRED, a federal provision has been added that makes any discretionary elections called by the Board subject to federal Voting Rights Act preclearance requirements.

TEMPORARY REPLACEMENT OF BOARD MEMBER ON MILITARY ACTIVE DUTY, on page 3, lays out provisions from a Texas constitutional amendment approved by voters on September 13, 2003. Under terms of this amendment, the Board may appoint a temporary replacement for a Board member called up for military service of more than 30 days' duration. The temporary Board member is granted all the powers and duties of the replaced Board member and serves until the replaced Board member returns from active duty or until the replaced Board member's term expires, whichever occurs first.

BBG (LEGAL) BOARD MEMBERS
COMPENSATION AND EXPENSES

At MEMBERS' EXPENSES, the language has been revised to more closely reflect statute and the relevant 1973 Attorney General's Opinion H-133.

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BEC (LEGAL) BOARD MEETINGS CLOSED MEETINGS

At PROCEDURES FOR CLOSED MEETINGS, on page 3, an obsolete Education Code citation has been removed. Also, a provision requiring the Board to reconvene from closed meeting into open meeting prior to adjourning has been removed as this provision is not specifically stated in statute. However, since the Open Meetings Act disallows Board action in closed session, the act of adjourning the meeting should occur in open session.

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

At COMMITTEES, on page 1, and at PRINCIPAL PERFORMANCE INCENTIVES, on page 3, the language has been refined to more closely track statute with the addition of statutory references.

C (LEGAL) BUSINESS AND SUPPORT SERVICES

To accommodate provisions regarding ethical financial management, we have created a new policy code at CAA—FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS. The Table of Contents for the C section has been updated to reflect that addition.

CAA (LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES FINANCIAL ETHICS

This new policy has been developed to address the District's obligation to ensure that financial activities involving District resources are performed ethically and with integrity and diligence. This obligation stems from the congressional response to several high-profile cases involving large national corporations, a response that in turn prompted the auditing profession to enhance the scope of financial audits and TEA to harmonize its Financial Accountability System Resource Guide (FASRG).

In passing the Sarbanes-Oxley Act in mid-2002, Congress imposed on private sector companies and their auditors an obligation to improve the accuracy and reliability of financial reporting required by law and to improve internal financial controls and procedures. The American Institute of Certified Public Accountants subsequently promulgated AICPA Statement of Auditing Standards 99: Consideration of Fraud in a Financial Statement Audit. TEA opted to extend certain aspects of "SAS 99" to school districts within FASRG Update 12, effective immediately and available at <http://www.tea.state.tx.us/school.finance/audit/resguide12/new/new.html>.

The enclosed policy expresses the Board's expectation for integrity and diligence in managing the District's financial resources, references the many policies affecting financial management, and describes the duty of those having financial responsibility to deter and monitor for fraud or financial impropriety and to report any knowledge of such activities up the chain of command. The policy further lays out the steps to be taken in a fraud investigation and, should fraud be discovered, offers appropriate administrative practice that limits the possibility of subsequent like activity.

Please carefully review the enclosed language and advise your Policy Consultant/Analysts of any revisions your Board deems appropriate.

CCA (LEGAL) LOCAL REVENUE SOURCES BOND ISSUES

At CALL FOR ELECTION, on page 2, appears Election Code language amended in 2003 that now requires a call for a bond election to be made at least 62 days—rather than 45 days as previously specified for such elections in the Election Code—preceding the election date.

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At PRECLEARANCE REQUIRED, a federal provision has been added—also referenced in BBB(LLEGAL)—that makes any discretionary elections called by the Board subject to federal Voting Rights Act preclearance requirements.

CCG (LEGAL) LOCAL REVENUE SOURCES AD VALOREM TAXES

At CALL FOR ELECTION, on page 3, appears Election Code language amended in 2003 that requires a call for a rollback election to be made at least 62 days preceding the election date. Prior to SB 1215 (from the 78th Regular Session), the Tax Code governed the timing of tax proposition elections and specified that the call had to occur at least 30 days prior to the election. SB 1215 identified the Election Code as the controlling statute for such elections. If a rollback election is triggered, it must occur between 30 and 90 days after rate adoption and on a uniform election date if the date falls within that time period. Districts facing a rollback election should also bear in mind that such elections cannot be held on a date 30 days before or after the November uniform date.

At PRECLEARANCE REQUIRED, a federal provision has been added that makes any discretionary elections called by the Board subject to federal Voting Rights Act preclearance requirements.

Other revisions are as follows:

- At PERSONS 65 AND OVER OR DISABLED PERSONS, on page 7, language has been added extending the over-65 homestead exemption to disabled homeowners. This change was enacted by HB 217 from the 78th Regular Session and became effective January 1, 2004.
- At COLLECTION AND DEPOSIT OF TAX INCREMENTS, on page 8, an exception pertaining to a city “of more than 230,000 that borders on Mexico” was repealed during the 78th Regular Session and has been removed from this policy. The exception mandated—rather than made permissive—that such cities pay to a tax increment fund any tax increment produced from reinvestment zone properties.

CE (LEGAL) ANNUAL OPERATING BUDGET

A new section—FAILURE TO COMPLY WITH BUDGET REQUIREMENTS—has been added on page 3. This Education Code provision states that a Board member who votes to approve an expenditure of school funds in excess of what has been appropriated in the District’s approved or amended budget commits a misdemeanor. This requirement essentially imposes on Trustees an obligation to ascertain that expenditures presented for their approval comport with the budget.

CE (LOCAL) ANNUAL OPERATING BUDGET

In light of the renewed emphasis on financial oversight underpinning the Sarbanes-Oxley Act, SAS 99, and TEA’s Update 12 to the Financial Accountability System Resource Guide (FASRG), it is important that the Board and administration reexamine information that the Board will need to competently perform that role.

The FASRG devotes a chapter—2.10.4—to the Board’s responsibility to monitor the budget. The FASRG text—found at <http://www.tea.state.tx.us/school.finance/audit/resguide12/budget/bud-39.html>—speaks to the need for the Board to receive periodic financial statements showing expenditures and encumbrances and recommends the business office provide annualized budget summaries projecting the impact of current expenditures on year-end results.

The updated FASRG text reads as follows:

The level and frequency of management review of the budget will vary by districts. In most districts, the superintendent (or designee) reviewed budget-to-actual comparisons monthly. Reporting peri-

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odic budget/actual results to the school board is customary in most districts. This reporting relationship should not be interpreted to mean that the board manages budget implementation. That responsibility is ultimately the superintendent's; however school board members should be given periodic updates on budget results and be informed of significant budgetary issues. This flow of information keeps the board apprised of issues which may affect the district's performance and prepares them for the next budget cycle.

The nature and timing of the report is central to the Board's fulfilling its oversight responsibility. While it is critical that the Board and administration have a clear understanding of reporting expectations, it is not imperative that this be defined in policy. Your current (LOCAL) policy does not directly address this reporting function. Policy Service files include several CE(LOCAL) policies that express these expectations in policy; if you would like a sampling of those policies to clarify expectations, please contact your Policy Consultant/Analyst.

CHG (LEGAL) PURCHASING AND ACQUISITION
REAL PROPERTY AND IMPROVEMENTS

A section addressing the District's power of EMINENT DOMAIN has been added to page 2 of this policy. The Education Code provision cited is essentially a summary statement; more detailed provisions regarding condemnation proceedings may be found in Section 11.155.

CPC (LEGAL) OFFICE MANAGEMENT
RECORDS MANAGEMENT PROGRAM

At FEDERAL INVESTIGATIONS AND BANKRUPTCY, on page 3, language has been added from the Sarbanes-Oxley Public Company Accounting Reform and Investor Protection Act of 2002. The provision—specifying criminal penalties for alteration, falsification, or destruction of a record associated with a federal investigation or bankruptcy case—applies to all individuals, whether functioning within a private sector company or not.

CR (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT

DESIGNATED BROKER OF RECORD has been added to reflect a 2000 attorney general's opinion that prohibits a district from using this agent to purchase insurance contracts with premiums aggregating to \$10,000 or more in a 12-month period. The District may use a designated broker of record for contracts of lesser amounts provided the Board ensures that such an arrangement is in the District's best interest and that the selection is consistent with good business practice.

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

On September 16, 2004, the attorney general's office responded to a request to resolve a conflict between HB 3257 and HB 3459, bills enacted during the 78th Regular Session and both amending Insurance Code Article 3.50–8, Section 2. The first bill required the state to annually contribute \$1,000 (or an amount specified in the General Appropriations Act) to health reimbursement arrangement accounts (HRAs). The second, HB 3459, specified that TRS would deliver to each school district \$500 for full-time employees and \$250 for part-time employees.

The attorney general's office determined that neither bill included funding nor was funding of HRAs included in the General Appropriations Act. However, it was determined that the previous mechanism for funding the earlier "pass-through" supplemental compensation for school district employees—found in Chapter 1580 of

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the Insurance Code—remained in force. It was therefore determined that funding was appropriated to implement HB 3459 (the “pass-through”) but not HB 3257 (HRAs). As a result of this determination, TRS has been relieved of its HB 3257 obligation to establish HRAs for this school year.

This construction of statutes prompts replacing the HB 3257 provisions previously found at STATE CONTRIBUTION, on page 3, with provisions of HB 3459. Similarly, citations at ELIGIBILITY and PROFESSIONAL STAFF have been revised to reflect Insurance Code 3.50–8, now codified as Insurance Code 1580.051.

Please note: Information regarding TRS’s administration of the supplemental compensation appears at <http://www.trs.state.tx.us/hraccount/TRS%20statement%20092404.pdf>.

CV (LEGAL) FACILITIES CONSTRUCTION

The Texas Board of Architectural Examiners clarified the language of its rules pertaining to the use of a REGISTERED ARCHITECT, reflected on page 3. The new rules, which became effective July 5, 2004, retain the thresholds for architectural plans and specifications—\$50,000 (alteration or addition) and \$100,000 (new buildings)—but clarify that threshold cost is the “total projected construction costs at the commencement of construction.”

The EXCEPTION to required workers’ compensation coverage, found on page 9, has been revised to more closely track statute.

Please note: Although it does not change current policy, districts should be aware that the Texas Board of Professional Engineers has issued a policy advisory opinion on the use of an engineer in the modification of building roofs. This document may be found at <http://www.tbpe.state.tx.us/nm/Roofing.htm>.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

In light of the recent addition of a program for reading teachers, provisions pertaining to the various MASTER TEACHER GRANT PROGRAMS have been presented in a more unified manner, beginning on page 1. Program categories now include:

- Master reading teachers,
- Master mathematics teachers,
- Master technology teachers, and
- Master science teachers.

Districts may apply to the Commissioner for money to pay stipends to qualifying teachers for months of service. Commissioner’s rules that became effective on May 16, 2004, address how a district is to proceed when it employs more master teachers than available grants and how statewide proration of grant funds will affect individual teacher stipends. In either case, the District may use local money to make up for limitations on state funds.

DBA (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

Education Code provisions governing grants for master teachers in reading, math, science, and technology require districts to specify by policy how partial months of service by teachers eligible for the grants are to be reported to TEA and, if the state does not fund all the grants, how the District will determine who receives them.

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At MASTER TEACHER STIPENDS, we have added language to address both requirements:

- Regarding months of service, the policy specifies that a teacher working as a master teacher 11 or more days per month—approximately half of the working days in a usual month—will be credited with a full month's service.
- Regarding TEA's awarding fewer grants than the District applied for, the policy language acknowledges that teachers in their second or third year of eligibility will receive stipends as provided by law and, should additional funds be provided, gives preference for the additional stipends to other eligible master teachers with longer experience in the subject area and, if experience is equal, to eligible teachers having longer seniority with the District (counting from the date last employed, if there has been a break in service).

Material at PROFESSIONAL PERSONNEL remains as before with the exception of the third line where we have added a reference to a credential filing deadline specified by the District. This addition is consistent with the "Certification Addendum" for educator contracts promulgated by TASB Human Resource Services and accessible to subscribers via MyTASB at https://www.tasb.org/docs-mytab/gov_svcs/human_rsc_svcs/memlib/memlibfiles/c_certadden.doc.cfm.

Please advise your Policy Consultant/Analyst if your Board has developed alternative language regarding the master teacher stipends or desires to revise any of the enclosed language.

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

This policy has been revised to more closely track statutory language. Added on page 2 is a Penal Code provision allowing a public servant receiving an unsolicited, prohibited gift to donate it to the District or other appropriate governmental entity or tax-exempt charitable organization.

DBD (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

Examination by Policy and Legal Services of policies related to financial integrity prompts us to recommend a revision regarding disclosure of personal financial interest by an employee who is in a position to affect a District's financial decision.

The provisions at DISCLOSURE mirror the disclosure requirement for Trustees, in that all employees, including the Superintendent, would be obligated to file an affidavit disclosing any substantial interest in a business entity or interest in real property, as defined at BBFA. Aware of this possible conflict, the District could then ensure that the business decision was based upon the best interests of the District.

We also recommend the addition of policy language regarding ENDORSEMENTS and SALES, language intended to ensure that the name of the District is not construed to support the sale of particular goods or services.

DEA (LEGAL) COMPENSATION AND BENEFITS
SALARIES, WAGES, AND STIPENDS

As at CRD(LEGAL), included in this update, provisions regarding the health reimbursement arrangement accounts (HRAs) have been replaced, on page 2, with the SUPPLEMENTAL COMPENSATION provisions of HB 3459 from the 78th Regular Session. The attorney general's office has determined that the legislation enacting the HRAs—HB 3257—was not funded, either by that legislation or by the General Appropriations Act. However, HB 3459—continuing the supplemental compensation "pass-through" enacted in 2001—also passed and is funded through Chapter 1580 of the Insurance Code.

DFE (LEGAL) TERMINATION OF CONTRACT
RESIGNATION

At ABANDONMENT OF CONTRACT, State Board for Educator Certification rules pertaining to sanctions against an educator have been added.

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At NOTICE TO SBEC, a cross-reference to the Family Code reporting requirements for certain offenses (child abuse/neglect) has been added.

DFF (LOCAL) TERMINATION OF CONTRACT REDUCTION IN FORCE

A decision of the Commissioner of Education in *Amerson v. Houston ISD* prompts the following additions to this policy at CONSIDERATION FOR AVAILABLE POSITIONS, on page 3:

- The policy now requires an employee subject to a RIF to identify and apply for other available positions for which he or she is qualified. In the past, the District bore the responsibility of considering the employee for all open positions for which the employee might be qualified.
- Although the policy now requires an employee subject to RIF to apply for open positions, the RIF employee does not stand on an equal footing with other applicants. Instead, in accordance with the Commissioner's decision in *Amerson*, the RIF employee **must** be offered the open position over outside applicants if the employee satisfies the District's objective hiring criteria for the position. The policy clarifies that the RIF employee enjoys this advantage only until the date of a requested RIF hearing. The policy further clarifies that, in the context of a RIF, if more than one **internal** applicant applies for an open position, the District will select the most qualified internal applicant.

On page 2, we have lightly edited the language for clarity and, on page 3, have refined two of the criteria for selecting RIF employees, as follows:

- Certification now includes "highly qualified status."
- Seniority is now defined as the length of service "as measured from the employee's most recent date of hire."

DG (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

At FEDERAL PROHIBITION ON RETALIATION appears the "whistleblower" protection provided by the 2002 Sarbanes-Oxley Act. While the act was largely in response to corporate financial mismanagement and protects whistleblowers in private sector companies, this provision is much broader than financial issues and broader as well than the state's WHISTLEBLOWER PROTECTION, also recited on page 1. This federal law now protects from retaliation anyone providing a law enforcement officer any true information regarding the commission or possible commission of **any** federal offense.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

Specifications for staff development found in 19 TAC 153.1011 were repealed by the Commissioner in March 2004. The repeal was prompted by HB 1024 from the 78th Regular Session, legislation that gave districts more discretion in developing a comprehensive staff development program.

DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

This policy has been extensively reorganized for clarity and refined to remove redundancy and to more closely reflect statutory language.

One substantive change, at EXCEPTION on page 1, reflects new provisions, from Commissioner's rules adopted in May, pertaining to less-than-annual appraisal cycles. These new provisions implement HB 1440

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from the 78th Regular Session and clarify the effect of deficiencies on eligibility, the requirements of policy, and the District's authority to modify appraisal options. The (LOCAL) policy issues associated with these alternative appraisal cycles are the subject of a **Starting Points** policy development tool kit available at http://www.tasb.org/policy/sp/sp_appraisal.shtml.

DNB (LEGAL) PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

To provide a more complete presentation of administrative appraisal options and requirements, material previously found at DNB(EXHIBIT) has been incorporated into this policy.

Please note: The Education Code 21.352(c) exception to the required annual (or more frequent) appraisals has been deleted from this policy. That exception permitted a certified teacher to be appraised less frequently if the employee agreed in writing and if his or her most recent appraisal rating was at least proficient or the equivalent and did not note any area of deficiency. Commissioner rules adopted in May to implement this exception define "teacher" narrowly rather than in the broader construction found in certain other Education Code passages. The rules apply exclusively to classroom teachers.

DNB (EXHIBIT) PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

This exhibit—addressing the Commissioner's recommended appraisal process and performance criteria for administrators—has been incorporated into DNB(LEGAL).

EHBAA (LEGAL) SPECIAL EDUCATION STUDENTS
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

Deleted from REFERRALS is a now-obsolete provision that started the 60-day time line for completion of a full and individual initial evaluation upon the date of referral. HB 1339, from the 78th Regular Session, amended the Education Code as of September 1, 2003, to start the time line with the date the District receives the parent's or guardian's signed, written consent for the evaluation.

EBBK (LEGAL) SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES

In revising this policy at Update 73, we inadvertently omitted the word "just" from the Declaration of Independence recitation appearing in the Texas Administrative Code.

The corrected passage (with text capitalization as found in the Administrative Code) appears at RECITATION on page 2:

"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their **just** [boldface added to show correction] Powers from the Consent of the Governed."

According to 19 TAC 74.33(b), the social studies curriculum for students in grades 3–12 includes study and recitation of this text when observing Celebrate Freedom Week (or another, locally determined, full school week of instruction). The scope of that study is defined by 19 TAC 74.33(a), found at APPROPRIATE INSTRUCTION.

EL (LEGAL) CHARTER CAMPUS OR PROGRAM

This policy has been restructured for clarity, and language has been refined to more closely track statute.

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EL (LOCAL) CHARTER CAMPUS OR PROGRAM

The introductory section of the policy has been revised to reference, rather than recite, information that is found in EL(LEGAL). The legal requirements referenced are specific to the kind of charter:

- Charters created with parental and teacher petition
- Charters created by District contract without petition
- Cooperative program charters and charters created with parental and teacher petition at two or more campuses

We have also made minor editorial adjustments throughout this policy to encompass all three types where appropriate.

FD (LEGAL) ADMISSIONS

At FOREIGN STUDENTS, beginning on page 3, are found provisions unique to nonimmigrant, alien students. Federal law has long required districts to obtain Immigration and Naturalization Service approval of such students who are in the U.S. under certain visas, but this (LEGAL) policy has not previously reflected INS requirements.

With the passage of the Enhanced Border Security and Visa Entry Reform Act of 2002, districts have additional requirements. The Act mandates an Internet-based tracking system for nonimmigrant students—the Student and Exchange Visitor Information System (SEVIS)—that now requires districts seeking approval to enroll nonimmigrant students with F, J, or M visas to enter information about those students, any change of information, and any failure of students to enroll. The Act grants an exception to the Federal Educational Rights and Privacy Act (FERPA) for this reporting related to F-, J-, and M-visa students.

This policy has also been revised to reflect the 78th Legislature's reorganization and consolidation of various health and human services agencies and to more closely track statute.

Other revisions are as follows:

- A new subsection on ILLEGAL ALIENS, on page 4, has been added for clarity. It recites a longstanding Supreme Court determination that prohibits any district from denying enrollment to children solely because they are not legally admitted to the U.S.
- At CREDITS AND RECORDS, on page 7, is added an Education Code provision that directs the District to consider course credit earned by a student in a juvenile justice alternative education program on par with credit earned within the District. This provision is being recoded to FD from FOAC(LEGAL), which is no longer an active policy code.

FM (LEGAL) STUDENT ACTIVITIES

This policy has been extensively reorganized for clarity and revised to more closely track statutory language. It remains substantively unchanged except for an addition at PARENTAL NOTICE AND CONSENT, on page 5, citing a 2002 Commissioner's decision in a case involving anonymously prepared cheerleader tryout evaluation forms. The Commissioner determined that such forms fell within the "full information" requirements of Education Code 26.008(a), recited in this policy as well.

The Commissioner also determined that a district "may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers." Please contact your Policy Consultant/Analyst for sample (LOCAL) policy language.

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

A key provision of the Transportation Code—prohibiting a person from placing or maintaining outdoor advertising that violates the code—has been added as a preface to the EXCEPTION, enacted by HB 1697 from the 77th Regular Session. That legislation specifically exempts from normal regulations sponsored signs (along a state highway in more populous counties) for a nonprofit county agriculture fair, school, or institution of higher education, provided the entity that pays for or sponsors the sign does not devote more than 25 percent of the sign area for the sponsor’s logo or identity.

GKD (LEGAL) COMMUNITY RELATIONS
NONSCHOOL USE OF SCHOOL FACILITIES

A new introductory section titled PROHIBITED ACTS has been added from the Civil Practices and Remedies Code. This material specifically disallows a District officer or employee from discriminating on the basis of a person’s race, religion, color, sex, or national origin by:

- Refusing permission for the person to use District facilities open to the public or to participate in a District program; or
- Refusing to grant a benefit to the person or imposing an unreasonable burden on the person.

GKG (LEGAL) COMMUNITY RELATIONS
SCHOOL VOLUNTEER PROGRAM

At VOLUNTEER IMMUNITY, a new second sentence—speaking to intentional misconduct or gross negligence—has been added to clarify the qualified immunity that a District volunteer may claim.

CROSS-INDEX

– A –

Abbreviated School Day EC
Absences and Excuses, Student FEB, FEC
Absences, Personnel DEC, DED, DMD
Abstention from Voting, Board Members BBFA
Academic Excellence Indicator System (AEIS) BQ, BQB,
GND

Academic Freedom EMA, EMB
Academic Guidance EJ
Academic Load EED
Accelerated Instruction EHBC
Acceleration, Exams for EEJB
Acceleration, Kindergarten EEJB

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student FMG
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UIL FMF, FMG
Truancy FEA
Tuberculosis Screening DBB, FFAA, GKG
TUITION
attendance reporting FDA, FDAA
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nonresident students DEB, FDA
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Tutorial Program EHBC
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UIL (University Interscholastic League) FFAA, FM, FMF
Unauthorized Person on School Property CLA, GKA, GKC
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Underground Newspapers FNAA
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Unexpired Term, Board Members BBC
Uniforms FNCA
Unions, Staff Membership in DGA, DGB
Universities GNC
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VACANCIES
Board member BBC
school personnel DC
VACATIONS
personnel DED
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Vaccinations FFAB
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Weighted Grades EIC
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Welfare, Employee DI
Welfare, Student FFA, FFB, FFC, FFD, FFE, FFF, FFG
Whistleblower Complaints DG, DGBA
Withdrawal, Student FD, FEA
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Work Calendars DEA, DK
WORKERS' COMPENSATION
coordination with paid leave benefits CRE, DEC
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required for construction contractor CV
Work Load DL
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Workshops, Board Members BBH
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Written Expression, Student FMA, FNAA

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Yearbooks FMA
Year-Round Schools EB
Zoning Authorities Relations GRA

GEOGRAPHIC BOUNDARIES

AC
(LEGAL)

BOUNDARY
DESCRIPTIONS AND
MAPS

The District shall file with TEA:

1. A complete and legally sufficient description of the boundaries of the District.
2. A map of the District that is:
 - a. Drawn to the county general highway maps produced by the Texas Department of Transportation or a similar map of sufficient detail to display the names of visible features that the boundaries follow or to which the boundaries are in close proximity; and
 - b. An accurate and legible representation of the boundaries in relationship to other features on the map.
3. A list of voting precincts within the District, separately listing those precincts wholly within the District and those precincts only partly within the District.

The District shall amend the information and maps on file with TEA if the boundaries of the District change or if any other change makes the information on file incomplete or inaccurate.

Education Code 13.010

CHANGES AND
ADJUSTMENTS IN
BOUNDARIES

Any change in District boundaries because of detachment or annexation shall be approved by a majority of the Board and other affected boards in order for the change to become effective.

Education Code 13.008, 13.051, 13.052, 13.231

CONSOLIDATION

Two or more districts may consolidate into a single school district using the procedures found in Education Code Chapter 13, Subchapter D. *Education Code 13.151(a)*

BOARD MEMBERS:
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

ELIGIBILITY

To be eligible to be a candidate for, or elected or appointed to, the office of school board Trustee, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined mentally incompetent by a final judgment of a court.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities. *Atty. Gen. Op. LO 96-114 (1996)*
5. Be a resident of Texas and the District for the period of time described at CANDIDATE'S RESIDENCY TERM, below. *Tex. Const. Art. XVI, Sec. 14*

Election Code 141.001(a); Brown v. Patterson, 609 S.W.2d 287 (Tex. Civ. App.—Dallas 1980, no writ)

QUALIFIED VOTER

A person may not be elected Trustee of an independent school district unless the person is a qualified voter. *Education Code 11.061(b)*

“Qualified voter” means a person who:

1. Is 18 years of age or older;
2. Is a United States citizen;
3. Has not been determined mentally incompetent by a final judgment of a court;
4. Has not been finally convicted of a felony or, if so convicted:
 - a. Has fully discharged his or her sentence, including any term of incarceration, parole, or supervision;
 - b. Has completed a period of probation ordered by any court; or
 - c. Has been pardoned or otherwise released from the resulting disability to vote;
5. Is a resident of this state; and
6. Is a registered voter.

Election Code 11.002

BOARD MEMBERS:
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

OFFICIAL OATHS	After each election or appointment, the elected or appointed Board member shall file the official oath with the Board President. <i>Education Code 11.061(a)</i>
COMPENSATION	Trustees serve without compensation. <i>Education Code 11.061(d)</i>
CANDIDATE'S RESIDENCY TERM	An individual seeking election to the office of Trustee by having his or her name placed on the ballot must have been a resident of the state for 12 months, and a resident of the District for six months, prior to the last date on which the candidate could file to be listed on the ballot.
PREFILED CANDIDACY	
WRITE-IN CANDIDACY	An individual seeking election to the office of Trustee by write-in vote must have been a resident of the state for 12 months, and a resident of the District for six months, prior to the day of the election.
APPOINTMENT TO OFFICE	An individual appointed to the office of Trustee must have been a resident of the state for 12 months, and a resident of the District for six months, prior to the day on which the appointment is made. <i>Election Code 141.001(a)(5)</i>
'RESIDENCE' DEFINED	"Residence" shall mean domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one's residence status by leaving to go to another place for temporary purposes only. <i>Election Code 1.015</i>

BOARD MEMBERS:
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

VACANCY	Any vacancy or vacancies occurring on the Board, whether by death, resignation, forfeiture, lack of qualifications, or removal, shall be filled with citizens having the same qualifications as candidates for election. If a vacancy occurs on the Board, the remaining members of the Board may fill the vacancy by appointment until the next regular Board election or may order a special election to fill the vacancy for the unexpired term. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the vacancy occurs. <i>Tex. Const. Art. XVI, Sec. 27; Education Code 11.060; Atty. Gen. Ops. WW-1387 (1962), M-402 (1969)</i>
OPTIONAL APPOINTMENT CONSIDERATION	An appointment to the Board shall be made as required by applicable law and may be made with the intent to ensure that the Board is representative of the constituency served by the Board. A Board that chooses this optional appointment consideration shall adopt procedures for its implementation. <i>Local Gov't Code 180.005(b), (c)</i>
SPECIAL ELECTION	A special election shall be conducted in the same manner as the general election on the next uniform election date that will afford enough time to hold the election in the manner required by law. <i>Education Code 11.060(c); Election Code 41.001(a), 41.004(a)</i> [See BBB]
PRECLEARANCE REQUIRED	A special election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a special election or scheduling of events leading up to or following a special election is subject to the preclearance requirement. <i>28 CFR 51.17</i> [See BBB]
RESIGNATION	To be effective, a Board member's resignation must be in writing and signed by the officer and must be delivered to the Board for action on the resignation. The Board may not refuse to accept a resignation. If a Trustee submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the Board or on the eighth day after the date of its receipt by the Board, whichever is earlier. <i>Election Code 201.001(a), 201.023</i>
EFFECT OF TRUSTEE RESIGNATION	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. <i>Tex. Const., Art. XVI, Sec. 17; Plains Common Consol. Sch. Dist. v. Hayhurst, 122 S.W. 2d 322 (Tex. Civ. App.—Amarillo 1938, no writ)</i> [See DBE]
FORMER TRUSTEE EMPLOYMENT	A Trustee is prohibited from accepting employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. <i>Education Code 11.063</i>

BOARD MEMBERS:
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

NONRESIDENCE

A person elected to serve as a Board member must remain a resident of the District throughout the term of office. A Board member who ceases to reside in the District vacates his or her office. *Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (1955); Whitmarsh v. Buckley, 324 S.W.2d 298 (1959)*

'RESIDENCE'
DEFINED

"Residence" shall mean domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one's residence status by leaving to go to another place for temporary purposes only. *Election Code 1.015*

REMOVAL FROM
OFFICE

Board members may be removed from office for:

1. "Incompetency," which means:
 - a. Gross ignorance of official duties;
 - b. Gross carelessness in the discharge of those duties; or
 - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.
2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a Trustee entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a Trustee to perform a duty imposed on the Trustee by law and conviction of an offense relating to violation of purchase procedures. [See CH]
3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician;
4. Conviction of a Trustee by a jury for any felony or for misdemeanor official misconduct.

Actions for removal of Board members must be brought before the judge of the district court holding jurisdiction, except that any court convicting a Trustee of a felony or official misconduct shall order immediate removal.

Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, 87.012, 87.013, 87.031; Education Code 44.032(e); Hendricks v. State, 49 S.W. 705 (1899), Tovar v. Somerset ISD, 994 S.W.2d 756 (Tex. App.—Corpus Christi 1999)

BOARD MEMBERS:
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

TEMPORARY
REPLACEMENT OF
BOARD MEMBER ON
MILITARY ACTIVE
DUTY

A Board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the Board may appoint a replacement to serve as a temporary Board member if the elected or appointed Board member will be on active duty for longer than 30 days.

The Board member who is temporarily replaced may recommend to the Board the name of a person to temporarily fill the office. The Board shall appoint the temporary Board member to begin service on the date specified in writing by the Board member being temporarily replaced as the date the Board member will enter active military service.

A temporary Board member has all the powers, privileges, and duties of the office as the Board member who is temporarily replaced. A temporary Board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the Board member who is temporarily replaced; or
2. The term of office of the Board member who is temporarily replaced.

“Armed forces of the United States” means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

Tex. Const., Art. XVI, Sec. 72

BOARD MEMBERS:
COMPENSATION AND EXPENSES

BBG
(LEGAL)

Board members shall serve without compensation. *Education Code 11.061(d)*

MEMBERS'
EXPENSES

Local funds and state funds not designated for a specific purpose may be used for purposes determined by the Board to be necessary in the conduct of the public schools. Reimbursement of travel expenses for Board members is not illegal if the reimbursement is determined to be necessary in the conduct of the school and to serve a proper public purpose. *Education Code 45.105(c); Atty. Gen. Op. H-133 (1973)*

NONMEMBERS'
EXPENSES

The Board may not pay the travel expenses of spouses and other persons who have no responsibilities or duties to perform for the Board when they accompany Board members to Board-related activities. *Atty. Gen. Op. MW-93 (1979)*

TRAVEL SERVICES

An officer of a school district who is engaged in official business may participate in the Texas Building and Procurement Commission's contract for travel services. *Gov't Code 2171.055(f); 1 TAC 125.29*

BOARD MEETINGS:
CLOSED MEETINGS

BEC
(LEGAL)

EXCEPTIONS FOR
CLOSED MEETINGS

The Board may conduct a closed meeting for the purposes described in the following provisions.

ATTORNEY
CONSULTATION

1. The Board may conduct a private consultation with its attorney only when it seeks the attorney's advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the requirement for open meetings. *Gov't Code 551.071* [See BE for permissible methods of communication for attorney consultations]

REAL PROPERTY

2. The Board may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person. *Gov't Code 551.072*

PROSPECTIVE
GIFT

3. The Board may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person. *Gov't Code 551.073*

PERSONNEL
MATTERS

4. The Board is not required to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee. However, the Board may not conduct a closed meeting for these purposes if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. *Gov't Code 551.074*

The closed meeting exception for personnel matters does not apply when the Board discusses an independent contractor who is not a school employee, such as an engineering, architectural, or consultant firm, or when the Board discusses a class or group of employees, not a particular employee. *Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)*

EMPLOYEE-
EMPLOYEE
COMPLAINTS

The Board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against a District employee by another employee and the complaint or charge directly results in the need for a hearing. However, the Board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing. *Gov't Code 551.082*

STUDENT
DISCIPLINE

5. The Board is not required to conduct an open meeting to deliberate in a case involving discipline of a public school

child. However, the Board may not conduct a closed meeting for this purpose if the child's parent or guardian makes a written request for an open hearing. *Gov't Code 551.082*

PERSONALLY
IDENTIFIABLE
STUDENT
INFORMATION

6. The Board is not required to conduct an open meeting to deliberate a matter regarding a student if personally identifiable information about the student will necessarily be revealed by the deliberation.

Directory information about a public school student is considered to be personally identifiable information about the student for this purpose only if a parent or guardian of the student, or the student if the student has attained 18 years of age, has informed the District that the directory information should not be released without prior consent. [See FL]

This exception does not apply if an open meeting about the matter is requested in writing by a parent or guardian of the student or by the student if the student has attained 18 years of age.

Gov't Code 551.0821

MEDICAL OR
PSYCHIATRIC
RECORDS

7. A board that administers a public insurance, health, or retirement plan is not required to conduct an open meeting to deliberate:
- a. The medical records or psychiatric records of an individual applicant for a benefit from the plan; or
 - b. A matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan.

Gov't Code 551.0785

SECURITY
DEVICES

8. The Board is not required to conduct an open meeting to deliberate the deployment, or specific occasions for implementation, of security personnel or devices. *Gov't Code 551.076*

ASSESSMENT
INSTRUMENTS

9. The Board shall conduct a closed meeting to discuss or adopt individual assessment instruments or assessment instrument items. *Education Code 39.030(a)*

EMERGENCY
MANAGEMENT

10. The Board is not required to conduct an open meeting to deliberate information confidential under Government Code Sections 418.175–418.182, relating to Homeland Security. However, the Board must make a tape recording of the proceedings of a closed meeting held to deliberate the information. *Gov't Code 418.183(f)*

BOARD MEETINGS:
CLOSED MEETINGS

BEC
(LEGAL)

ECONOMIC
DEVELOPMENT
NEGOTIATIONS

11. The Board is not required to conduct an open meeting
 - a. To discuss or deliberate regarding commercial or financial information that the Board has received from a business prospect that the Board seeks to have locate, stay, or expand in or near the District and with which the Board is conducting economic development negotiations; or
 - b. To deliberate the offer of a financial or other incentive to such a business prospect.

Gov't Code 551.087

PROCEDURES FOR
CLOSED MEETINGS

If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given [see BE] and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open Meetings Act or other applicable law under which the closed meeting is held. *Gov't Code 551.101*

VOTE OR FINAL
ACTION

A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given. *Gov't Code 551.102* [See BE]

CERTIFIED AGENDA
OR TAPE
RECORDING

The Board shall either keep a certified agenda or make a tape recording of the proceedings of each closed meeting, except for private consultation with the District's attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. A presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a tape recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. *Gov't Code 551.103*

Closed meetings may not be recorded by an individual trustee against the wishes of a majority of the Board. *Zamora v. Edgewood ISD, 592 S.W.2d 649 (Tex. App.—San Antonio, 1979)*

PRESERVATION

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 a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or tape recording while the action is pending. *Gov't Code 551.104(a)*

PUBLIC ACCESS

A certified agenda or tape recording of a closed meeting is available for public inspection and copying only under a court order

issued as a result of litigation involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(b), (c)*

PROHIBITIONS

No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a tape recording of the closed meeting is being made. *Gov't Code 551.145*

No individual, corporation, or partnership shall without lawful authority disclose to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public. *Gov't Code 551.146*

No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act. *Gov't Code 551.144(a)*

AFFIRMATIVE
DEFENSE

It is an affirmative defense to prosecution under Subsection 551.144(a) that a Board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the Board's attorney. *Gov't Code 551.144(c)*

PLANNING AND DECISION-MAKING PROCESS:
CAMPUS-LEVEL

BQB
(LEGAL)

	Each school 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>
COMMITTEES	Each 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>
CONSULTATION	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>
RESPONSIBILITIES	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.
STAFF DEVELOPMENT	The campus-level committee must approve the portions of the campus plan addressing campus staff development needs. The above paragraphs do not create a new cause of action or require collective bargaining. <i>Education Code 11.253(e), (f)</i>
DROPOUT PREVENTION REVIEW	Each campus-level planning and decision-making committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including: <ol style="list-style-type: none">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:<ol style="list-style-type: none">a. Do not complete the program;b. Complete the program but do not take the high school equivalency examination; orc. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

PLANNING AND DECISION-MAKING PROCESS:
CAMPUS-LEVEL

BQB
(LEGAL)

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 Sec. 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)*

ADMINISTRATIVE
PROCEDURE

The Board shall also ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the Superintendent, central office staff, principals, teachers, District-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. *Education Code 11.251(d)*

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)

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

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 District/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)*

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)*

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 C: BUSINESS AND SUPPORT SERVICES

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

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SECTION C: BUSINESS AND SUPPORT SERVICES

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

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SECTION C: BUSINESS AND SUPPORT SERVICES

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

FISCAL MANAGEMENT GOALS AND OBJECTIVES:
FINANCIAL ETHICS

CAA
(LOCAL)

All Trustees, employees, vendors, contractors, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
for Board members—BBF
for employees—DH
- Financial conflicts of interest:
for public officials—BBFA
for all employees—DBD
- Financial conflicts involving federal funds: CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

FRAUD AND
FINANCIAL
IMPROPRIETY

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

DEFINITION

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.

FISCAL MANAGEMENT GOALS AND OBJECTIVES:
FINANCIAL ETHICS

CAA
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5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District.
9. Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment.
10. Failing to provide financial records required by state or local entities.
11. Failure to disclose conflicts of interest as required by policy.
12. Any other dishonest act regarding the finances of the District.

FINANCIAL
CONTROLS AND
OVERSIGHT

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

FRAUD PREVENTION

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

REPORTS

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

PROTECTION
FROM
RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

FRAUD
INVESTIGATIONS

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

FISCAL MANAGEMENT GOALS AND OBJECTIVES:
FINANCIAL ETHICS

CAA
(LOCAL)

RESPONSE

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

ANALYSIS OF FRAUD

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

LOCAL REVENUE SOURCES:
BOND ISSUES

CCA
(LEGAL)

BONDS AND BOND
TAXES

The Board may obtain funds to construct, acquire, or equip school buildings, to purchase necessary sites, to purchase new school buses, or to acquire or refinance property financed under a contract entered under the Public Property Finance Act by issuing bonds and assessing annual ad valorem taxes sufficient to pay the principal and interest on the bonds as they come due. *Education Code 45.001(a)*

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

INSTRUCTIONAL
FACILITY
ALLOTMENT

Except as provided by Education Code 46.005 and 46.006, a district that issues bonds to construct, acquire, renovate or improve an instructional facility is guaranteed certain state funding to pay principal and interest on eligible bonds under the Instructional Facilities Allotment program, Education Code Chapter 46, Subchapter A. *Education Code 46.003; 19 TAC 61.1032*

EXISTING DEBT
ALLOTMENT

Each district is guaranteed certain state funding to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible if the District made payments on the bonds during the 2002–03 school year or taxes levied to pay the principal and interest on the bonds were included in the District's audited debt service collections for that school year, and the District does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032, 46.033; 19 TAC 61.1035*

POLITICAL
ADVERTISING

No officer or employee of the District shall expend or authorize the expenditure of District funds for the purpose of political advertising. Funds may be expended, however, for advertising that describes the factual reasons for a measure and does not advocate the passage or defeat of such measure. *Election Code 255.003*

ELECTIONS

No bonds shall be issued or taxes levied unless approved by a majority of the qualified voters of the District who vote at an election held for such purpose. The election shall be called by Board resolution, which shall set the date, polling places, and propositions to be voted on.

The election shall be held on a uniform election date. The election may instead be held on a date that is not one of the uniform election dates if the Board, by resolution, order, or ordinance, finds that holding the election on a date other than a uniform election date is in the public interest, which finding is conclusive and incontestable, and the election is the only bond election held by the District on a nonuniform date during the state fiscal biennium.

Except for elections held on a uniform election date or in an emergency situation approved by the governor, elections may not be

LOCAL REVENUE SOURCES:
BOND ISSUES

CCA
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held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

Education Code 45.003(a); Election Code 41.001(a), (b)(2), (c)

CALL FOR
ELECTION

A call for an election shall be made not later than the 62nd day before election day. *Election Code 3.005*

NOTICE OF
ELECTION

Notice of each election shall be published not earlier than the 30th day or later than the tenth day before election day in a newspaper of general circulation in the District or a newspaper of general circulation in the territory if none is published in the District. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication.

POSTING

In addition, notice of the election, which must include the location of each polling place, must be posted not later than the 21st day before election day on the bulletin board used for posting notices of Board meetings. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made.

Election Code 4.003(a)(1), (b), (c), 4.004, 4.005

PRECLEARANCE
REQUIRED

A bond election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a bond election or scheduling of events leading up to or following a bond election is subject to the preclearance requirement. *28 CFR 51.17 [See BBB]*

NEW DEBT

Before issuing bonds, the District must demonstrate to the attorney general that, with respect to the proposed issuance, the District has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed \$0.50 per \$100 of valuation.

CURRENT
TAXABLE VALUE

The District may demonstrate the ability to comply by using the most recent taxable value of property in the District, combined with state assistance to which the District is entitled under Chapter 42 or 46 that may be lawfully used for the payment of bonds.

FUTURE TAXABLE
VALUE

The District may demonstrate the ability to comply by using a projected future taxable value of property in the District anticipated for the earlier of the tax year five years after the current tax year or the

LOCAL REVENUE SOURCES:
BOND ISSUES

CCA
(LEGAL)

tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the District is entitled under Chapter 42 or 46 that may be lawfully used for the payment of bonds.

The District must submit a certification of the projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.

The certification of the District's projected taxable value must be signed by the Superintendent. The attorney general must base a determination of whether the District has complied on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

PROPOSITIONS

Each proposition submitted to authorize the issuance of bonds shall include the question of whether the Board may levy ad valorem taxes either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or
2. Sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in the District shall never exceed the rate stated in the proposition.

Education Code 45.003(b)

REFUNDING BONDS
AUTHORITY

The Board is authorized to refund or refinance all or any part of any of its outstanding bonds and interest thereon, payable from ad valorem taxes, by issuing refunding bonds payable from ad valorem taxes in accordance with legal requirements for the issuance.

Education Code 45.004; Gov't Code 1207

INSTRUCTIONAL
FACILITIES
REFUNDING
BONDS

The District may use state funds received under Education Code Chapter 46 to pay principal of and interest on refunding bonds that:

1. Are issued to refund bonds eligible under Section 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;
3. May not be called for redemption earlier than the earliest call date of all bonds being refunded;
4. Result in a present value savings as defined in Education Code 46.007.

Education Code 46.007

LOCAL REVENUE SOURCES:
BOND ISSUES

CCA
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AUTHORIZED
UNISSUED BONDS

If the District has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, the Board may call an election to determine whether the authorized bonds may be issued or sold for a different purpose or purposes specified in the election order. If a majority of those voting at the election favor the sale of the unissued bonds, the Board is authorized to issue the bonds and use the proceeds for the purpose or purposes stated in the election order. *Education Code 45.110*

GUARANTEED
BONDS

The District may apply to the Commissioner of Education for approval to guarantee bonds issued in accordance with the provisions above or bonds issued under Government Code Chapter 1207, by the corpus and income of the permanent school fund. The application shall include:

1. The name of the District and the principal amount of the bonds to be issued;
2. The name and address of the financial institution designated by the District as its agent for payment of principal and interest for guaranteed bonds; and
3. The maturity schedule, estimated interest rate, and date of the bonds.

Education Code 45.051, 45.052, 45.054, 45.055

An application must be accompanied by a fee set by rule of the State Board in an amount designed to cover the costs of administering the guarantee program. *Education Code 45.055(c)*

USE OF BOND
PROCEEDS FOR
UTILITIES

The proceeds of bonds issued by school districts for the construction and equipment of school buildings in the District and the purchase of the necessary sites for school buildings may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company, whether or not the water, sewer, or gas lines adjoin the school, so that the District may provide its public school buildings the water, sewer, or gas services. *Education Code 45.101*

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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MAINTENANCE TAX	The Board may levy, assess, and collect annual ad valorem taxes for the maintenance of the District's schools. <i>Education Code 45.002</i>
TAX RATE CAP	If authorized by a majority of qualified voters of the District voting at an election held for that purpose, the District may impose a maintenance tax rate on the \$100 valuation of taxable property not to exceed \$1.50. <i>Education Code 45.003(a), (d)</i>
APPRAISAL ROLL	By August 1 or as soon thereafter as practicable, the District's tax assessor shall submit to the Board the District's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

Note: The Texas comptroller of public accounts annually publishes *Truth in Taxation: A Guide for Setting Tax Rates*. School districts should consult the *Truth in Taxation* guide, available in print form or through the comptroller's Web site, for detailed guidance on setting local property tax rates.

	By August 1 or as soon thereafter as practicable, the District's tax collector shall certify to the Board the estimates and amounts required by law. <i>Tax Code 26.04(b)</i>
CERTIFIED ESTIMATE	By June 7, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. <i>Tax Code 26.01(d)</i>
MEETING ON BUDGET AND PROPOSED TAX RATE	The Board shall call a public meeting to discuss and adopt its budget and proposed tax rate. The Board must provide notice of the budget and proposed tax rate meeting, as described below. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. [See CE]
PUBLISHED NOTICE	The Board President shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.
FORM OF NOTICE	The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

TAXPAYER
INJUNCTION

If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.

DISTRICTS WITH
JULY 1 FISCAL
YEAR

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the published notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the District may not adopt a tax rate before the District receives the certified appraisal roll for the District.

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

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

Education Code 44.004

TAX RATE

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

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

ELECTION TO RATIFY
SCHOOL TAXES

If the Board adopts a tax rate that exceeds the District's rollback tax rate as defined in Tax Code 26.08, the registered voters of the

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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District at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money is necessary due to a natural disaster and the governor has requested federal disaster assistance, an election is not required. *Tax Code 26.08(a)*

The Board shall order that the election be held in the District on a date not less than 30 or more than 90 days after the date on which it adopted the tax rate. The election need not be held on a uniform election date unless a uniform election date falls within the 30–90 day time period. *Tax Code 26.08(b)*

If a majority of votes cast in the District favor the proposition, the tax rate for the current year is the rate that was adopted by the Board. If the proposition is not approved, the Board may not adopt a tax rate for the current year that exceeds the District's rollback tax rate. *Tax Code 26.08(c), (d)*

CALL FOR
ELECTION

A call for an election shall be made not later than the 62nd day before election day. *Election Code 3.005*

PRECLEARANCE
REQUIRED

A rollback election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a rollback election or scheduling of events leading up to or following a rollback election is subject to the preclearance requirement. *28 CFR 51.17 [See BBB]*

DISCOUNTS

If the District collects its own taxes, the Board may adopt one or both of the following discount options for early payment of taxes.

OPTION 1

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

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

Tax Code 31.05

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

OPTION 2

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

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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(LEGAL)

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

BOTH OPTIONS

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

Tax Code 31.05

SPLIT PAYMENT

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

Tax Code 31.03, 31.04(c)

DISASTER AREA

Owners of certain property in a disaster area are permitted to pay taxes in installment payments. Installment payments are an option for an owner of real property that:

1. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units;
2. Is located in a disaster area and has been damaged as a direct result of the disaster; and
3. Has had taxes imposed upon it by a taxing unit before the first anniversary of the disaster.

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

Tax Code 31.032

PERFORMING
SERVICES IN LIEU OF
PAYING TAXES

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

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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(LEGAL)

PERSONS 65 AND OVER	<p>Subject to the requirements contained in Tax Code 31.035, the Board by order or resolution may permit an individual who is at least 65 years of age to perform services for the taxing unit in lieu of paying taxes imposed by the District on property owned by the individual and occupied as the individual's residence homestead.</p> <p><i>Tax Code 31.035</i></p>
TEACHING SERVICES BY INDIVIDUAL	<p>Subject to the requirements contained in Tax Code 31.036, the Board by resolution may permit qualified individuals, who are not employed by the District, to perform teaching services for the District at a junior high school or high school of the District in lieu of paying taxes imposed by the District on property owned and occupied by the individual as a residence homestead. <i>Tax Code 31.036</i></p>
TEACHING SERVICES BY EMPLOYEE OF BUSINESS ENTITY	<p>Subject to the requirements contained in Tax Code 31.037, the Board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the District in lieu of paying taxes imposed by the District on property owned by the business entity. <i>Tax Code 31.037</i></p>
INSTALLMENT PAYMENTS CERTAIN HOMESTEADS	<p>An individual who is disabled or at least 65 and qualifies for a homestead exemption may pay taxes on the residence homestead property in installments. To do so, the individual must pay at least one-fourth of the taxes due before the delinquency date. This payment must be accompanied by notice that the individual will pay the remaining taxes in installments. The person may pay the remaining taxes without penalty or interest. The first installment must be paid before April 1, the second before June 1, and the third before August 1. <i>Tax Code 31.031</i></p>
PARTIAL PAYMENTS	<p>The tax collector may decide to accept partial payments of District property taxes. Acceptance of a partial payment does not affect the delinquency date, but penalties and interest are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. The discounts described above do not apply to any portion of a partial payment of District taxes. <i>Tax Code 31.07(c)</i></p>
DELINQUENCY DATE	<p>Taxes are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:</p> <ol style="list-style-type: none">1. The District has provided for split payments. <i>Tax Code 31.03</i>2. The District's tax bills are mailed after January 10. <i>Tax Code 31.04(a)</i>

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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

Tax Code 31.02

DELINQUENT TAX
COLLECTION

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

ADDITIONAL
PENALTIES

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

If the District or the tax collector for the District has imposed the penalty described above and has contracted with a private attorney for collection of delinquent taxes, the Board may impose, by official action, an additional penalty on all taxes that become delinquent on or after June 1 under Tax Code 26.15(e), 31.03, 31.031, 31.032, or 31.04. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall send notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent. *Tax Code 33.08*

HOMESTEAD
EXEMPTIONS

An adult is entitled to exemption from taxation of \$15,000 of the appraised value of his residence homestead except that \$10,000 of the exemption does not apply to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995. An adult who is disabled or 65 or older is entitled to an additional \$10,000 exemption of the appraised value of his residence homestead. *Tax Code 11.13(b), (c)*

APPLICATION FOR
EXEMPTION

To receive the residence homestead exemptions, the person claiming the exemption must apply for the exemption. *Tax Code 11.43*

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

CCG
(LEGAL)

PERSONS 65 AND OVER OR DISABLED PERSONS	<p>The District shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Section 11.13 of the Tax Code, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption.</p> <p>The District may increase the taxes if improvements are made to the property, but that tax amount is then frozen.</p> <p><i>Tax Code 11.26(a), (b)</i></p>
PORTABILITY OF LIMITATION	<p>If an individual who receives the 65-and-over limitation on tax increases subsequently qualifies for a different resident homestead, the District may impose taxes on the subsequently acquired homestead only in accordance with Tax Code 11.26. <i>Tax Code 11.26(g), (h)</i></p>
ADDITIONAL EXEMPTIONS	<p>The Board may grant additional tax exemptions for homestead historic sites and charitable organizations, as provided by law. <i>Tax Code 11.13, 11.184, 11.24; Tex. Const. Art. VIII, Sec. 1–b(e)</i></p>
NATURAL DISASTER	<p>If the District is located partly or entirely inside an area declared by the governor to be a natural disaster area, the Board may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. <i>Tax Code 23.02(a)</i></p>
REINVESTMENT ZONES / TAX INCREMENT FINANCING	<p>When a portion of the real property taxable by the District is proposed for inclusion in a municipal reinvestment zone, the Board shall be notified of a description of the proposed boundaries of the zone, the tentative plans for the development or redevelopment of the zone, and an estimate of the general impact of the proposed zone on property values and tax revenues. The District may request additional information from the governing body of the municipality proposing the zone, and Board members may attend the formal presentation required of the governing body of the municipality. Within 15 days of receipt of the notice, the Board shall designate a representative to meet with the governing body of the municipality to discuss the project plan and the reinvestment zone financing plan and shall notify the municipality governing body of its designation. <i>Tax Code 311.003(e), (f), (g)</i></p>
BOARD OF DIRECTORS	<p>The Board may appoint one member of the reinvestment zone's board of directors or may waive that right. <i>Tax Code 311.009(a)</i></p> <p>In certain reinvestment zones, the Board may be entitled to appoint more than one member of the reinvestment zone's board of directors. <i>Tax Code 311.0091(a), (b)</i></p>

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

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COLLECTION AND
DEPOSIT OF TAX
INCREMENTS

When the reinvestment zone has been designated upon petition of property owners under Tax Code 311.005(a)(5), the Board may appoint a member or members, as appropriate, of the reinvestment zone's board of directors only if it has approved the payment of all or part of the tax increment produced by the District. *Tax Code 311.009(b), 311.0091(c)*

The District shall provide for the collection of its taxes in the zone as for any other property tax and shall pay into the zone's tax increment fund the amount specified by law. This payment shall be made no later than 90 days after the delinquency date for District property taxes, except that the District is not required to pay the portion attributable to delinquent taxes until those taxes are collected. The District shall not be required to pay a tax increment into the zone's tax increment fund beyond three years from the date the zone was created, except as provided by law. *Tax Code 311.013*

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

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

REINVESTMENT
ZONES — TAX
ABATEMENT
TEXAS ECONOMIC
DEVELOPMENT ACT

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

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

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

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and

4. Advance the economic development goals of Texas as identified by the Texas Strategic Economic Development Planning Commission.

Tax Code 313.004(3)

Note: *For complete information regarding the Texas Economic Development Act, refer to Tax Code Chapter 313.*

ANNUAL OPERATING BUDGET

CE
(LEGAL)

AUTHORIZED
EXPENDITURES

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)*

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. Nor shall the District pay or authorize the payment of any claim against the District under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen ISD v. C.H. Page and Bro. 48 S.W.2d 983 (Comm. App. 1932)*

The state and county available funds disbursed to the District shall be used exclusively for salaries of professional certified staff and for interest on money borrowed on short time to pay such salaries, when salaries become due before school funds for the current year become available. Loans for paying professional certified staff salaries may not be paid out of funds other than those for the current year. *Education Code 45.105(b)*

Local funds from District taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for salaries of any personnel and for purchasing appliances and supplies; for the payment of insurance premiums; for buying school sites; for buying, building, repairing, and renting school buildings, including acquisition of school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; and for other purposes necessary in the conduct of the public schools to be determined by the Board. *Education Code 45.105(c)*

No public funds of the District may be spent in any manner other than as provided for in the budget adopted by the Board. *Education Code 44.006(a)*

COMMITMENT OF
CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of the District's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

ANNUAL OPERATING BUDGET

CE
(LEGAL)

FISCAL YEAR	The Board may determine if the District's fiscal year begins on July 1 or September 1 of each year. <i>Education Code 44.0011</i>
BUDGET PREPARATION	The Superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of the District for the following fiscal year. <i>Education Code 44.002</i>
DEADLINES	<p>The proposed budget shall be prepared on or before a date set by the State Board of Education, currently August 20 (June 19 if the District uses a July 1 fiscal year start date). <i>Education Code 44.002(a); 19 TAC 109.1(a), 109.41</i></p> <p>The adopted budget must be filed with the Texas Education Agency on or before the date established in the <i>Financial Accountability System Resource Guide</i>. <i>Education Code 44.005; 19 TAC 109.1(a)</i></p>
PUBLIC MEETING ON BUDGET AND PROPOSED TAX RATE	<p>After the proposed budget has been prepared, the Board President shall call a Board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of the District may be present and participate in the meeting. <i>Education Code 44.004</i> [See CCG for provisions governing tax rate adoption]</p> <p>The meeting must comply with the notice requirements of the Open Meetings Act. <i>Gov't Code 551.041, 551.043</i></p>
PUBLISHED NOTICE	The Board President shall also provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.
FORM OF NOTICE	<p>The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.</p> <p>The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.</p>
TAXPAYER INJUNCTION	If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An

action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.

BUDGET
ADOPTION

The Board shall adopt a budget to cover all expenditures for the succeeding fiscal year at the meeting called for that purpose and before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins.

DISTRICTS WITH
JULY 1 FISCAL
YEAR

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the published notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

Education Code 44.004

By June 7, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. *Tax Code 26.01(d)*

AMENDMENT OF
APPROVED BUDGET

The Board shall have the authority to amend the approved budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.

Copies of any amendment or supplementary budget must be prepared and filed in accordance with State Board rules.

Education Code 44.006

FAILURE TO COMPLY
WITH BUDGET
REQUIREMENTS

A Board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor offense. *Education Code 44.052(c)*

CERTAIN DONATIONS

The District may donate funds or other property or service to the adjutant general's department or to the Texas National Guard. *Gov't Code 431.035(b), 431.045(b)*

PURCHASING AND ACQUISITION:
REAL PROPERTY AND IMPROVEMENTS

CHG
(LEGAL)

CASH PURCHASES
WITH AVAILABLE
FUNDS

The requirements of the Public Property Finance Act (Local Government Code 271.001 and following) do not apply to cash purchases of real property made with moneys from available funds. *Bandera v. Hamilton*, 2 S.W.3d 367 (Tex. App.—San Antonio 1999)

DEFINITIONS

For purposes of this policy, “contract” means an agreement entered under the authority of the Public Property Finance Act, but does not mean a contract solely for the construction of improvements to real property. “Improvements” means a permanent building, structure, fixture, or fence that is erected on or affixed to land, but does not include a transportable building or structure whether or not it is affixed to land. “Real property” means land, improvement, or an estate or interest in real property, other than a mortgage or deed of trust creating a lien on property or an interest securing payment or performance of an obligation in real property. *Local Gov’t Code 271.003(2), (10), (11)*

PROPOSED
CONTRACT

The Board may execute, perform, and make payments under a contract for the use or purchase or other acquisition of real property or an improvement to real property. If the Board proposes to enter into such a contract, it shall publish notice of that intent not less than 60 days before the date set to approve execution of the contract. Publication shall be in a newspaper of general circulation in the District. The notice must summarize the major provisions of the proposed contract. The notice shall estimate the construction and other costs, but the Board shall not publish the first advertisement for bids for construction of improvements until 60 days after publication of the notice of intent. *Local Gov’t Code 271.004(a)*

PETITION AND
REFERENDUM

Within 60 days of the date of publication of notice of intent, a written petition signed by a least five percent of the registered voters of the District may be filed with the Board, requesting the Board to order a referendum on the question of whether the contract should be approved. If a petition is filed, the Board may not approve the contract or publish the first advertisement for bids for construction of improvements unless the question is approved by a majority of the votes received in a referendum ordered and held on the question. The referendum shall be held in accordance with the applicable provisions of the Election Code, except that it is not required to be held on a uniform election date. *Local Gov’t Code 271.004(b), (c)*

SUBMISSION TO
ATTORNEY GENERAL

A lease-purchase contract entered into for the use, purchase, or other acquisition of real property or an improvement to real property and the records relating to its execution shall be submitted to the attorney general for examination as to their validity. If the attorney general finds that the contract has been authorized in accordance with the law, the attorney general shall approve them, and the comptroller of public accounts shall register them. Following

PURCHASING AND ACQUISITION:
REAL PROPERTY AND IMPROVEMENTS

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approval and registration, the contract is incontestable and is a binding obligation according to its terms. *Local Gov't Code 271.004(g)–(i)*

DISTRICT
OBLIGATION

A contract under this provision is a special obligation of the District if ad valorem taxes are not pledged to the payment of the contract. If the contract provides that payments by the District are to be made from maintenance taxes previously approved by voters of the District and are subject to annual appropriation or are paid from a source other than ad valorem taxes, the payments under the contract shall not be considered indebtedness under Tax Code 26.04(c). All or part of the District's obligation may be evidenced by one or more promissory notes. *Local Gov't Code 271.004 (d)–(f)*

STATE ASSISTANCE
— INSTRUCTIONAL
FACILITIES

The District may receive financial assistance from the state when the District lease-purchases an instructional facility under the terms set out in Chapter 46, Education Code, and Commissioner's rules implementing that chapter. *Education Code 46.004; 19 TAC 61.1032*

EMINENT DOMAIN

The District may, by the exercise of the right of eminent domain, acquire title to real property for the purpose of securing sites on which to construct school buildings or for any other purpose necessary for the District. *Education Code 11.155*

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.

Loc. 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.

OFFICE MANAGEMENT:
RECORDS MANAGEMENT PROGRAM

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

Loc. 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.

Loc. 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.

OFFICE MANAGEMENT:
RECORDS MANAGEMENT PROGRAM

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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.

Loc. 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

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. *Loc. Gov't Code 204.002*

ELECTRONIC
STORAGE

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

FEDERAL
INVESTIGATIONS
AND BANKRUPTCY

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

INSURANCE AND ANNUITIES MANAGEMENT

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COMMERCIAL
INSURANCE PLANS

The District may procure contracts with any insurance company authorized to do business in Texas to insure its employees. Policies may include group health, accident, accidental death and dismemberment, disability income replacement, and hospital, surgical, and/or medical expense insurance, or a group contract providing for annuities. Dependents of employees may be insured under group policies which provide hospital, surgical, and/or medical expense insurance. *Insurance Code 3.51*

EXCEPTION

A district that participates in the uniform group coverage program established under Insurance Code Article 3.50–7 may not procure or renew commercial health insurance coverage after the uniform group coverage is implemented in the district. *Insurance Code 3.51(b)* [See CRD]

PREMIUM PAYMENTS

Any portion of the commercial insurance premiums paid by the District shall be from local, not state, funds. *Insurance Code 3.51(b)*

Contributions made by employees may be deducted from salary payments when the employee has authorized such deduction. *Insurance Code 1131.303*

SELF-INSURANCE
BONDS

The District may issue bonds, certificates, notes, and other obligations, the proceeds of which shall be used for all or any portion of a self-insurance fund to protect the District and its officers, employees, and agents from any insurable risk or hazard, or use any funds or money available to the District for the self-insurance fund. If the District desires to issue bonds payable from ad valorem taxes for this purpose, it shall comply with the requirements of Education Code 45.003. *Gov't Code 2259.031*

DESIGNATED
BROKER OF RECORD

The District may not use a designated broker of record to purchase insurance contracts with premiums of an aggregate value of \$10,000 or more for each 12-month period. If the District expends less than \$10,000, in the aggregate, on insurance premiums for each 12-month period, the District may use a designated broker of record to purchase insurance contracts, but the Board shall ensure that the use of a designated broker of record is in the District's best interest and select a designated broker of record in a manner it determines is consistent with good business management. *Atty. Gen. Op. JC-0205 (2000)*

RISK-RETENTION
GROUPS

The District may become a member of a risk retention group or purchasing group created under the Federal Liability Risk Retention Act of 1986 for the purpose of obtaining insurance against any insurable risk. *Gov't Code 2259.061*

INSURANCE AND ANNUITIES MANAGEMENT:
HEALTH AND LIFE INSURANCE

CRD
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GROUP HEALTH
BENEFITS

The District shall participate in the uniform group coverage program established under Insurance Code 3.50–7, as provided by Section 5 of that article. The cost of the coverage shall be paid by the state, the District, and the employees as provided by Insurance Code 3.50–7. *Education Code 22.004(a), (c)*

Districts that do not participate in the uniform group coverage program shall make available to their employees group health coverage that meets the substantive coverage requirements of Insurance Code 3.51–6 and any other law applicable to group health insurance policies issued in Texas and that is comparable to the basic health coverage provided under Insurance Code Chapter 1551. The cost of the coverage shall be shared by the employees and the District using the contributions by the state described by Insurance Code 3.50–7, Section 9, or by Insurance Code 3.50–8. *Education Code 22.004(b), (c)*

Note: Insurance Codes 3.50–7, 8 have been replaced by Insurance Code Chapter 1579.

SELF-FUNDED
HEALTH CARE
PLAN

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

OPTIONAL
COVERAGES

Districts participating in the uniform group coverage program may enter contracts to provide optional insurance coverages for District employees. *Education Code 22.004(j)*

UNIFORM GROUP
COVERAGE
PROGRAM

The Teacher Retirement System of Texas (TRS) shall implement and administer the uniform group coverage program described by the Texas School Employees Uniform Group Health Coverage Act. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, 1579.101*

EMPLOYEE
ELIGIBILITY

Participation in the program is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. Such an employee who applies for coverage during an open enrollment period prescribed by TRS is automatically covered by the catastrophic care coverage plan unless the employee:

1. Specifically waives coverage;

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2. Selects a higher tier coverage plan; or
3. Is expelled from the program.

A participating employee may select coverage in any coverage plan offered by TRS. The employee is not required to continue participation in the coverage plan initially selected and may select a higher or lower tier coverage plan as provided by TRS rule. If the combined state and District contributions exceed the cost of a coverage plan selected by the employee, the employee may use the excess contributions to obtain coverage under a higher tier coverage plan, or to pay all or part of the cost of coverage for the employee's dependents. A married couple, both of whom are eligible for coverage under the program, may pool the amount of contributions to which the couple are entitled under the program to obtain coverage for themselves and dependent coverage.

A part-time employee who is not a participating member in the Teacher Retirement System of Texas is eligible to participate in the program only if the employee pays all of the premiums and other costs associated with the health coverage plan selected by the employee.

Insurance Code 1579, Subch. E

STATE
CONTRIBUTION

The state shall provide for each covered employee the amount of \$900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 41 and 42 and used by districts as provided by Education Code 42.2514 and 42.260. *Insurance Code 1579, Subch. F*

DISTRICT
CONTRIBUTION
'MAINTENANCE
OF EFFORT'

If the District, for the 2000–01 school year, paid amounts for employees' health coverage, the District shall, for each fiscal year, continue to use to provide health coverage an amount for each participating employee at least equal to the amount computed as follows: the District shall divide the amount the District paid during the 2000–01 school year for the prior group health coverage plan by the total number of full-time employees in the 2000–01 school year and multiply the result by the number of full-time employees in the fiscal year for which the computation is made. If, for the 2000–01 school year, the District provided group health coverage to its employees through a self-funded insurance plan, the amount the District paid during that school year for the plan includes only the amount of regular contributions made by the District.

'MINIMUM
EFFORT'

In addition, the District shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees multiplied by \$1,800. The District may be entitled to additional state assistance to meet this required minimum effort.

INSURANCE AND ANNUITIES MANAGEMENT:
HEALTH AND LIFE INSURANCE

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EXCESS FUNDS	<p>If the amount the District is required to use to provide health coverage to maintain its 2000–01 contributions exceeds the amount necessary for the District to spend \$1,800 per participating employee, the District may use the excess only to provide employee compensation at a rate greater than the rate of compensation that the District paid an employee in the 2000–01 school year, benefits, or both.</p> <p><i>Insurance Code 1581, Subch. B</i></p>
EMPLOYEE CONTRIBUTION	<p>An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and the District's contribution. The employee may pay the employee's contribution from the employee supplement.</p> <p>The District may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.</p> <p><i>Insurance Code 1579.253</i></p>
SUPPLEMENTAL COMPENSATION	<p>Each year, the state shall deliver to each school district state funds in an amount, as determined by the Teacher Retirement System, equal to:</p> <ol style="list-style-type: none">1. The product of the number of full-time active employees employed by the District, other than in the capacity of professional staff, multiplied by \$500 or a greater amount as provided by the General Appropriations Act; and2. The product of the number of part-time active employees employed by the District, other than in the capacity of professional staff, multiplied by \$250 or a greater amount as provided by the General Appropriations Act.
ELIGIBILITY	<p>An employee is not eligible to receive the state contribution until the 90th day after the date the employee is employed.</p> <p><i>Insurance Code Article 3.50–8, Section 2, now codified as Insurance Code 1580.051</i></p>
PROFESSIONAL STAFF	<p>A member of the professional staff of the District, as defined by TRS rule, is not eligible to receive the state contribution.</p> <p>An individual is a member of the professional staff if:</p> <ol style="list-style-type: none">1. Fifty or more percent of the individual's time is reported under any combination of the following role identifications in the Public Education Information Management System (PEIMS),

or under any subsequently created role identifications that describe roles that are substantially similar to the ones identified below:

a. Central office administrators:

- (1) Assistant or associate superintendent (004);
- (2) Instructional officer (central office, 012);
- (3) Superintendent, CAO, CEO, or president (027);
- (4) Teacher supervisor (central office, 028);
- (5) Vocational education coordinator (central office, 032);
- (6) Athletic director (central office, 040);
- (7) Business manager (043);
- (8) Tax assessor or collector (044);
- (9) Director—personnel/human resources (045);
- (10) Registrar (central office, 055); or

b. Campus administrators:

- (1) Assistant principal (003);
- (2) Instructional officer (not central office, 012);
- (3) Principal (020);
- (4) Teacher supervisor (not central office, 028);
- (5) Vocational education coordinator (not central office, 032);
- (6) Athletic director (not central office, 040);
- (7) Registrar (not central office, 055); or

2. Regardless of how the individual's time is reported in PEIMS, 50 or more percent of the individual's time is in a role that is substantially similar to a role described above, as determined by the reporting entity or combination of entities.

Insurance Code 3.50–8 now codified as Insurance Code 1580.051; 34 TAC 41.42

EMPLOYEE
ELECTION

CAFETERIA
PLAN

If an active employee is covered by a cafeteria plan of the District, the employee supplement shall be deposited in the cafeteria plan, and the employee may elect among the options provided by the plan. A cafeteria plan receiving employee supplement funds may include a medical savings account option and must include, at a minimum, the following options:

INSURANCE AND ANNUITIES MANAGEMENT:
HEALTH AND LIFE INSURANCE

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1. A health care reimbursement account;
2. A benefit or coverage other than that provided under the uniform group coverage program, or any employee coverage or dependent coverage available under the uniform group coverage program but not otherwise fully funded by the state or the District contributions, any of which must be a "qualified benefit" under Section 125, Internal Revenue Code of 1986, and its subsequent amendments;
3. An option for the employee to receive the employee supplement as supplemental compensation [See DEA]; or
4. An option to divide the employee supplement among two or more of the other options provided under the cafeteria plan.

Each state fiscal year, the District shall prepare and distribute to each active employee a written explanation in English and Spanish, as appropriate, of the options the employee may elect under this policy and an election form. The explanation must be based on the model explanation prepared by TRS and must reflect all available health coverage options available to the employee. The explanation must be distributed to an employee before the later of July 1 of the preceding state fiscal year, or the fifth day after the date the employee is hired. An election must be made before the later of August 1 of the preceding state fiscal year, or the 31st day after the date the employee is hired.

NO CAFETERIA
PLAN

If an active employee is not covered by a cafeteria plan of the District, the employee supplement shall be paid to the active employee as supplemental compensation as described at DEA.

Insurance Code 1580 Subch. B, C

COMPARABILITY
COMPLIANCE
REPORT

The District shall report its compliance with Education Code 22.004 to TRS not later than March 1 of each even-numbered year. For districts that do not participate in the uniform group coverage program, the report must be based on the District group health coverage plan in effect during the current plan year and must include:

1. Appropriate documentation of:
 - a. The District's contract for group health coverage, or
 - b. A Board resolution authorizing a self-insurance plan.
2. The schedule of benefits.
3. The premium rate sheet, including the amount paid by the District and the employee.

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4. The number of employees covered by each health coverage plan offered by the District.
5. Any other information considered appropriate by the executive director of TRS.

Education Code 22.004(d); 34 TAC 41.91(d)

CONTINUATION
DURING MILITARY
LEAVE

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

1. The 18-month period beginning on the date on which the person's absence begins; or
2. The day after the date on which the person fails to apply for or return to a position of employment. [See DEC]

38 U.S.C. 4317

CONTINUATION
DURING FMLA LEAVE

During any period of leave under the Family and Medical Leave Act (FMLA), the District shall allow the employee to maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The District may recover any premiums it paid for maintaining coverage during a period of unpaid FMLA leave if the employee fails to return from leave after the FMLA leave has expired and the failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave or other circumstances beyond the employee's control. *29 U.S.C. 2614(c); 29 CFR 825.209, 825.210, 825.213* [See also DEC]

CONTINUATION
COVERAGE UNDER
COBRA

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

1. To the employee for 18 months after a termination (other than for gross misconduct) or reduction in hours. An employee providing notice of being disabled under Title II or XVI of the Social Security Act before the end of the initial 18 months of coverage shall be offered up to 29 months of continuation coverage.
2. To dependents of the covered employee for 36 months after the employee becomes eligible for Medicare benefits.

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

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

PREMIUM

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

NOTICE

The District shall notify its group health plan administrator within 30 days of an employee's death, termination or reduction of hours, or becoming eligible for Medicare payments.

The qualified beneficiary is responsible for notifying the plan administrator of a divorce or legal separation from a spouse or of a dependent child's ceasing to be a dependent. A qualified beneficiary who is determined to have been disabled at the time of termination is responsible for notifying the plan administrator of that determination within 60 days of the determination and within 30 days after a subsequent determination that he is no longer disabled.

42 U.S.C. 300bb-6

TERMINATION OF
COVERAGE

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

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

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

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

HEALTH INSURANCE
PORTABILITY

A group health plan may impose a preexisting condition exclusion only if:

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

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

CERTIFICATION

A group health plan shall provide certification:

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

The certification is a written certification of:

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

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

[See CRD(EXHIBIT) for required contents of the certification.]

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

ELECTION TO BE
EXCLUDED

The plan sponsor of a nonfederal governmental group health plan may elect to be exempted from the following provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA):

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

FORM AND
MANNER OF
ELECTION

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

TIMING OF
ELECTION

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

An election may be extended through subsequent elections.

CONTENTS OF
NOTICE

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

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

SMALL EMPLOYER
MARKET ELECTION

The District may elect to participate in the small employer market without regard to the number of eligible employees in the District.

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If the District makes this election, it will be treated as a small employer for the purposes of Article 1501 of the Texas Insurance Code. A district that is participating in the uniform group coverage program under Insurance Code 3.50–7 may not participate in the small employer market for health insurance coverage and may not renew a health insurance contract obtained in accordance with Article 1501 after the date on which the program of coverages provided under Insurance Code 3.50–7 is implemented. This provision does not affect a contract for the provision of optional coverages. *Insurance Code 1501.009*

PRIVACY OF HEALTH
INFORMATION

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

‘COVERED ENTITY’
DEFINED

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

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

45 CFR 160.103

‘PROTECTED
HEALTH
INFORMATION’
DEFINED

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

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

20 U.S.C. 1232g, 45 CFR 160.102, 164.501 [See FL]

SPONSORS OF
GROUP HEALTH
PLANS

Before a group health plan may disclose protected health information to a district that is a plan sponsor, the group health plan must ensure that the plan documents restrict uses and disclosures of

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such information by the District consistent with the requirements of the Privacy Rule. *45 CFR 164.504(f)*

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

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

45 CFR 164.504(f)

'PLAN
SPONSOR'
DEFINED

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

SELF-FUNDED
PLANS

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

FACILITIES CONSTRUCTION

CV
(LEGAL)

BOARD AUTHORITY	<p>The Board may adopt rules and procedures for the acquisition of goods and services. <i>Education Code 44.031(d)</i></p>
DELEGATION OF AUTHORITY	<p>The Board may delegate its authority regarding an action authorized or required to be taken by the District by Education Code Chapter 44, Subchapter B to a designated person, representative, or committee.</p> <p>The Board may not delegate the authority to act regarding an action authorized or required to be taken by the Board by Education Code Chapter 44, Subchapter B.</p> <p>In procuring construction services, the District shall provide notice of the delegation and the limits of the delegation in the request for bids, proposals, or qualifications or in an addendum to the request. If the District fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the Board in an open public meeting is advisory only.</p> <p><i>Education Code 44.0312</i></p>
INJUNCTION	<p>A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the District is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court. <i>Education Code 44.032(f)</i></p>
IMPERMISSIBLE PRACTICES	<p>A Trustee, employee, or agent of the District who knowingly or with criminal negligence violates the purchasing laws is subject to criminal penalties. <i>Education Code 44.032</i> [See CH]</p>
CONTRACTS VALUED AT OR ABOVE \$25,000	<p>All District contracts valued at \$25,000 or more in the aggregate for each 12-month period shall be made by the method that provides the best value for the District [see also CH]:</p> <ol style="list-style-type: none">1. Competitive bidding. [See CVA]2. Competitive sealed proposals. [See CVB]3. A catalog purchase as provided by Government Code Chapter 2157, Subchapter B.4. An interlocal contract.5. A design/build contract. [See CVC]6. A contract to construct, rehabilitate, alter, or repair facilities that involves using a construction manager. [See CVD, CVE]

FACILITIES CONSTRUCTION

CV
(LEGAL)

7. A job order contract for the minor construction, repair, rehabilitation, or alteration of a facility. [See CVF]
8. The reverse auction procedure as defined by Government Code 2155.062(d). [See CH]

Education Code 44.031(a)

SELECTING A
CONTRACTING
METHOD

When the District is considering awarding a construction contract using a method specified by Education Code 44.031(a), the Board shall, before advertising, determine which purchasing method provides the best value for the District. *Education Code 44.035(a)*

PUBLIC NOTICE

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the District's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

CONTRACT
SELECTION CRITERIA

The District shall base its selection among offerors on criteria authorized in Education Code 44.031(b). [See CH] The District shall publish in the request for bids, proposals, or qualifications the criteria that will be used to evaluate the offerors and the relative weights given to the criteria. *Education Code 44.035(b)*

MAKING
EVALUATIONS
PUBLIC

The District shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. *Education Code 44.035(c)*

PROFESSIONAL
SERVICES

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect, attorney, or fiscal agents. The District may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence

and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, 2254.003(a)* [See PROCURING ARCHITECTURAL, ENGINEERING, AND LAND-SURVEYING SERVICES, below]

EMERGENCY
DAMAGE OR
DESTRUCTION

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

CRIMINAL HISTORY

Before entering into a contract with the District, a person or business must give notice to the District if the person or an owner or operator of the business has been convicted of a felony. The District may terminate a contract with a person or business if the District determines that the person or business failed to give such notice or misrepresented the conduct resulting in the conviction. The District must compensate the person for services performed before the contract terminated. *Education Code 44.034*

RIGHT TO WORK

While engaged in awarding a contract or overseeing procurement or construction for a public work or public improvement, the District:

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

Education Code 44.043

REGISTERED
ARCHITECT

An architect registered in accordance with Occupations Code, Title 6, Chapter 1051, shall prepare architectural plans and specifications for:

1. A new building constructed and owned by the District that will be used for education, assembly, or office occupancy when the total projected construction costs at the commencement of construction exceed \$100,000.
2. Any alteration or addition to an existing building owned by the District that is, or will be, used for education, assembly, or of-

facility occupancy when the total projected construction costs of alteration or addition at the commencement of construction exceed \$50,000 and the alteration or addition requires the removal, relocation, or addition of any walls or partitions or the alteration or addition of an exit.

The District may comply with this requirement by choosing a registered architect or a registered professional engineer as the prime design professional for a building construction, alteration, or addition project.

Occupations Code 1051.703; 22 TAC 1.212

REGISTERED
ENGINEER

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

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

PROCURING
ARCHITECTURAL,
ENGINEERING, AND
LAND-SURVEYING
SERVICES

In procuring architectural, engineering, or land-surveying services, the District shall [see PROFESSIONAL SERVICES above]:

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

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

Gov't Code 2254.004

ACCESSIBILITY

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

is readily accessible to and usable by individuals with disabilities.
28 CFR 35.151, 34 CFR 104.23

PAYMENT AND
PERFORMANCE
BONDS

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

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

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

FAILURE TO
OBTAIN PAYMENT
BOND

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

NO BOND FOR
DESIGN SERVICES
ONLY

A payment or performance bond is not required for, and may not provide coverage for, the portion of a design-build contract that includes design services only. *Education Code 44.036(j)* [See CVC for more information on design/build contracts, including bond amounts]

BOND FOR
INSURED LOSS

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

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

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

EXCEPTION TO
BOND
REQUIREMENT

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

Gov't Code 2253.022

OUT-OF-STATE
BIDDERS

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001, 2252.002*

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the Texas Building and Procurement Commission in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003, 2252.004*

PREVAILING WAGE
ON PUBLIC WORKS

A worker, laborer, or mechanic employed on a public work, exclusive of maintenance work, by or on behalf of the District shall be paid not less than the general prevailing rate of per diem wages. The general prevailing rate of per diem wages is the rate of per diem wages for work of a similar character in the locality in which the work is performed, and also includes the rate of per diem wages for legal holiday and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with the District. *Gov't Code 2258.001, 2258.021*

The Board shall determine, as a sum certain, the general prevailing rate of per diem wages in the District for each craft or type of worker needed to execute the contract and also for legal holiday and overtime work. To ascertain the general prevailing rate of per diem wages, the Board shall either conduct a survey of the wages received by classes of workers, laborers, and mechanics employed on projects of a character similar to the contract work in the District or adopt the prevailing wage rate as determined by the U.S. Department of Labor, if the survey used to determine that rate has been conducted within three years prior to the date the District calls for bids on the project. The Board shall specify the prevailing rate of per diem wages in the call for bids and in the contract itself.

	<p>The Board's determination of the general prevailing rates of per diem wages shall be final. <i>Gov't Code 2258.001, 2258.022</i></p>
ENFORCEMENT	<p>The Board, and an agent or officer of the Board, shall receive complaints regarding violations of the prevailing wage requirements of Chapter 2258, and withhold money from the contractor as required by statute. Upon receipt of a complaint, the Board shall determine, before the 31st day after the date the information is received, whether good cause exists to believe that a contractor or subcontractor has failed to pay the prevailing wage and shall provide written notice of its determination to the contractor or subcontractor and any affected laborer, worker, or mechanic of its initial determination. <i>Gov't Code 2258.051, 2258.052</i></p>
RETAINAGE AND REIMBURSEMENT	<p>The Board shall retain any amounts due under the contract pending a final determination of the violation. Upon a final determination that violations have occurred, the Board shall use those retained amounts to pay the laborer, worker, or mechanic the difference between the amount the worker received in wages and the amount the worker would have received at the prevailing rate of per diem wages provided in the arbitrator's award. The Board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. <i>Gov't Code 2258.052(d), 2258.056</i></p>
PENALTY FOR NONCOMPLIANCE	<p>The contractor to whom the contract is awarded or any subcontractors of the contractor shall pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the contract. A contractor or subcontractor who fails to pay the specified rates as required shall pay to the District \$60 for each worker, laborer, or mechanic employed for each calendar day or part of a calendar day the worker is paid less than the wage rates specified in the contract. The Board must specify this penalty in the contract. If the District does not determine the prevailing wage rates and specify them in the contract, the contractor or subcontractor may not be fined. The Board shall use any penalty money collected to offset the costs incurred in administering Government Code Chapter 2258. <i>Gov't Code 2258.023</i></p>
REQUIRED WORKERS' COMPENSATION COVERAGE	<p>When the District enters into a building or construction contract on a project, it shall fulfill the following requirements regarding required workers' compensation coverages. A project includes the provision of all services related to a building or construction contract for the District. The District shall:</p> <ol style="list-style-type: none">1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]2. As part of the contract, using the language required by 28 TAC 110.110(c)(7), require the contractor to perform the

duties and responsibilities pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]

3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person's beginning work on the project. This provision includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the contract. Services include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. Services do not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
 - a. Before the end of the coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
 - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Workers' Compensation Commission upon request and to any person entitled to a copy by law.
7. Use the prescribed language for bid specifications and contracts without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation. [See CV(EXHIBIT) for prescribed language]

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

EXCEPTION

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

PROFESSIONAL PERSONNEL CREDENTIALS	<p>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 in a public school shall present the person's certificate for filing with the District before the person's contract with the Board is binding. <i>Education Code 21.003(a), 21.053(a)</i></p> <p>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. <i>Education Code 21.003(b)</i></p>
ADDITIONAL CERTIFICATION	<p>The State Board for Educator Certification (SBEC) shall provide for a certified educator to qualify for additional certification to teach at a grade level or in a subject area not covered by the educator's certificate upon satisfactory completion of an examination or other assessment of the educator's qualification. <i>Education Code 21.056; 19 TAC 230.437</i></p>
MASTER TEACHER GRANT PROGRAMS	<p>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.</p>
TEACHER ELIGIBILITY	<p>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.</p> <p>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. <i>19 TAC 101.1011(g), 102.1013(g)</i></p>
DESIGNATION OF TEACHER	<p>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:</p> <ol style="list-style-type: none">1. The District has selected for and paid a stipend for a school year who remains eligible for a certified master teacher stipend; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

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 for with a grant the District receives under this program. The District may use local money to pay additional stipends in amounts determined by the District.

Education Code 21.410–413; 19 TAC 102.1011, 102.1013

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. *Education Code 21.410(i), 21.411(i), 21.412(i), 21.413(i)*

A stipend a teacher receives under this program is not considered in determining whether the District is paying the teacher the minimum monthly salary. *Education Code 21.410(l)*

The District must pay state stipends to certified master reading and mathematics teachers no later than 30 days after receipt of the grant by the District. *19 TAC 102.1011(i)*

TEACHERS IN CORE
ACADEMIC
SUBJECTS

As part of the state plan described at 20 U.S.C. 6311, TEA shall develop a plan to ensure that all teachers teaching in core academic subjects within the state are highly qualified not later than the end of the 2005–06 school year.

'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.

TEACHERS IN TITLE I
PROGRAMS

Beginning with the first day of school of 2002–03, each district receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*) shall ensure that all teachers hired after that day and teaching in a program supported with such federal funds are highly qualified.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

'HIGHLY
QUALIFIED'

The term "highly qualified":

GENERAL
CERTIFICATION
REQUIREMENT
DEFINED

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.

SUBJECT
COMPETENCY
DEFINED

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.

NEW
ELEMENTARY
TEACHER

NEW MIDDLE OR
SECONDARY
TEACHER

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.

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.

No Child Left Behind Act of 2001, 20 U.S.C. 6319, 7801

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:

1. Information on the level of achievement of the parent's child in each of the state academic assessments; and
2. 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.

No Child Left Behind Act of 2001, U.S.C. 6311

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*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

SCHOOL DISTRICT
TEACHING PERMIT

A person who does not hold a teaching certificate may be issued a school district teaching permit. The District may issue a school district teaching permit to and may employ a person who 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 person holding a school district teaching permit may teach the subject or class identified to the Commissioner for as long as the teacher remains in the District or until the District revokes the permit 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.

Education Code 21.055

Note: The assignment of a teacher to teach a class for which he or she is not properly certified triggers parent notification requirements in accordance with state and federal laws. See DK.

REVOCAION OF
CERTIFICATE FOR
CERTAIN OFFENSES
AGAINST CHILDREN

Not later than the fifth day after receiving notice from a court under Code of Criminal Procedure Article 42.018 that a person who holds a certificate issued under Education Code Chapter 21, Subchapter B, has been convicted, SBEC must revoke the person's certificate and provide written notice of the revocation and its basis to the person and to any school district or open-enrollment charter school employing the person at the time.

The revocation and notice requirement applies only if the victim of the offense is under 18 years of age, and only to a conviction of a

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

felony under Penal Code Title 5 or an offense for which the person must register as a sex offender.

Education Code 21.058 [See also DK and DF]

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.

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]

PARAPROFESSIONAL
EMPLOYEES
CREDENTIALS

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

TITLE I PROGRAM
REQUIREMENTS

Each district receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*) 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;
 - 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.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

FULL
COMPLIANCE
DATE

All paraprofessionals hired before January 8, 2002 and working in a program supported with Title I, Part A funds shall satisfy the HIGHER EDUCATION OR COMPETENCY TEST requirement not later than January 8, 2006.

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.

No Child Left Behind Act of 2001, 20 U.S.C. 6319

SCHOOL BUS
DRIVERS

A school bus driver must:

CREDENTIALS

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 students 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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LEGAL)

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. <i>Trans. Code 521.022(d); 37 TAC 14.14</i>
EMPLOYEE ACCESS	All information contained in the personnel file of an employee shall be made available to that employee or the designated representative as public information is made available under the Public Information Chapter of the Government Code. <i>Gov't Code 552.102(a)</i>
SPECIAL RIGHT	<p>An employee or an employee's designated representative has a special right of access, beyond the right of the general public, to records and copies of records held by the District that contain information relating to the person that is protected from public disclosure by laws intended to protect the employee's privacy interests. The District shall not deny to the employee or his or her representative access to information about the employee on the grounds that the information is considered confidential by privacy principles, but may assert as grounds for denial of access other provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests. <i>Gov't Code 552.023</i></p> <p>If the officer for records determines that information in the employee's records is exempt from disclosure under provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests, he or she shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, the information shall be released not later than the tenth day after the request for information is received. <i>Gov't Code 552.307</i></p>
PUBLIC ACCESS	With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Chapter of the Government Code. <i>Gov't Code 552 [See GBA]</i>

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(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(LEGAL)]

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.

PROFESSIONAL
PERSONNEL
CREDENTIALS

Personnel shall possess valid credentials before contracts are issued, duties are assigned, or payment is made from any source of funds. Within the time allotted by SBEC and by the District, each teacher who is employed with an emergency permit must satisfy state requirements for proper certification for the position to which he or she is assigned.

All professional 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.

RECORDS

The District shall maintain current and complete personnel records of all employees according to any applicable legal guidelines and local administrative requirements.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LEGAL)

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)*

RESTRICTIONS ON
'PUBLIC SERVANTS'

"Public servant" includes a person elected, selected, appointed, or employed as an officer, employee, or agent of the government. *Penal Code 1.07(41)* [See also BBFA and DH]

ABUSE OF PUBLIC
EMPLOYMENT

A public servant commits an offense if he or she, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the public servant's office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government, 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)*

HONORARIA AND
EXPENSES

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

GIFTS

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits a Class A misdemeanor offense if he or she solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LEGAL)

interested in any such transactions, unless a statutory exception applies. *Penal Code 36.08(d), 36.10.*

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).*

TEXTBOOKS

A Trustee, administrator, or teacher commits a Class B misdemeanor offense if that person receives any commission or rebate on any textbooks used in the schools with which the person is associated as a Trustee, administrator, or teacher.

A Trustee, administrator, or teacher commits a Class B misdemeanor offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence a Trustee, administrator, or teacher in the selection of a textbook; and
3. 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

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*

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LOCAL)

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]

DISCLOSURE

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.

Prior to the award of a contract or authorization of payment by the District, an employee shall file with the Superintendent, Board President, or a designee an affidavit disclosing any substantial interest in a business entity or interest in real property, as defined at BBFA, if the employee is in a position to affect a financial decision involving the business entity or the real property.

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.

COMPENSATION AND BENEFITS:
SALARIES, WAGES, AND STIPENDS

DEA
(LEGAL)

MINIMUM SALARY	<p>The District shall pay each classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, as specified in Education Code 21.402 and 19 TAC 153.1021.</p> <p>A classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse employed by the District in the 2000–01 school year is, for as long as the employee is employed by the District, entitled to a salary that is at least equal to the salary the employee received for the 2000–01 school year.</p> <p><i>Education Code 21.402(d); 19 TAC 153.1021, 153.1022</i></p>
PLACEMENT ON SALARY SCHEDULE	<p>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. <i>Education Code 21.403(c), 19 TAC 153.1022</i></p>
EMPLOYEES FORMERLY ON CAREER LADDER	<p>As long as a teacher or librarian is employed by the same school district, the teacher or librarian is entitled to:</p> <ol style="list-style-type: none">1. Placement on the minimum salary schedule at the step above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level two of the career ladder on August 31, 1993; or2. Placement on the minimum salary schedule at the step two steps above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level three of the career ladder on August 31, 1993. <p><i>Education Code 21.403(d)</i></p>
VALID CERTIFICATE	<p>An educator, as defined in Education Code 5.001(5), 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. <i>Education Code 21.053(b)</i></p>
MINIMUM WAGE	<p>Employees not exempt under the Fair Labor Standards Act shall be paid minimum wage and receive compensation for overtime under the conditions specified in the act. <i>29 U.S.C. 206, 207</i></p>
WAGE AND HOUR RECORDS	<p>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></p>

COMPENSATION AND BENEFITS:
SALARIES, WAGES, AND STIPENDS

DEA
(LEGAL)

SUPPLEMENTAL
COMPENSATION

Each year, the state shall deliver to each district state funds in an amount, as determined by the Teacher Retirement System, equal to:

1. The product of the number of full-time active employees employed by the District, other than in the capacity of professional staff, multiplied by \$500 or a greater amount as provided by the General Appropriations Act; and
2. The product of the number of part-time active employees employed by the District, other than in the capacity of professional staff, multiplied by \$250 or a greater amount as provided by the General Appropriations Act.

If an active employee is not covered by a cafeteria plan of the District, the TRS supplement shall be paid to the active employee as supplemental compensation in addition to the rate of compensation that:

1. The District paid the employee in the preceding school year; or
2. The District would have paid the employee in the preceding school year if the employee had been employed by the District in the same capacity in the preceding school year.

An employee who is covered under the District's cafeteria plan may choose to receive the TRS benefit as supplemental compensation. [See CRD]

ELIGIBILITY

A member of the professional staff of the District, as defined by TRS rule, is not eligible to receive the state supplement.

An employee is not eligible to receive the state contribution until the 90th day after the date the employee is employed.

Insurance Code 1580.051; 34 TAC 41.42(d)

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*

PRINCIPAL
PERFORMANCE
INCENTIVES

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

TERMINATION OF CONTRACT:
RESIGNATION

DFE
(LEGAL)

RESIGNATION
DEADLINE

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave District employment at the end of the school year without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the Board President or the Board's designee at the post office address of the District is considered filed at the time of mailing.

The educator may resign, with the consent of the Board or the Board's designee, at any other time.

ABANDONMENT OF
CONTRACT

On written complaint by the District, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a contract for the following school year and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105, 21.160, 21.210

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless the Board:

1. Renders a finding that good cause did not exist for the employee's resignation; and
2. Submits a written complaint to SBEC within 30 calendar days after the educator separates from employment.

19 TAC 249.19(f)

NOTICE TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent must file a report with SBEC not later than the seventh day after the Superintendent first obtains or has knowledge of information indicating that an educator resigned and reasonable evidence supported a recommendation by the Superintendent to terminate the educator because he or she committed one of the acts specified at Education Code 21.006(b).

Before accepting the educator's resignation, the Superintendent shall inform the educator in writing that a report will be filed that may result in sanctions against the employee's certificate.

The Superintendent shall notify the Board prior to filing a report of a resignation with SBEC.

Education Code 21.006(b), (c), (d); 19 TAC 249.14(d) [See DF]

TERMINATION OF CONTRACT:
REDUCTION IN FORCE

DFF
(LOCAL)

APPLICABILITY

This policy shall apply only to reductions in force of contractual employees when the reduction in force requires the termination of:

1. A contract governed by Chapter 21 of the Education Code in the following circumstances:
 - a. A probationary contract during the contract period;
 - b. A term contract during the contract period or
 - c. A term contract at the end of the contract period.
2. A contract not governed by Chapter 21 of the Education Code during the contract period.

Note: This policy shall not apply to termination at any time of at-will employment [see DCD]; termination of a continuing contract [see DFCA]; termination of a probationary contract at the end of the contract period [see DFAA]; or termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code [see DCE].

DEFINITIONS

Definitions used in this policy are as follows:

1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District's financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.
2. "Program change" shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, or a reorganization or consolidation of two or more individual schools or school districts.
3. "Discharge" shall mean termination of a contract during the contract period.
4. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

GENERAL GROUNDS

A reduction in force may take place when the Board determines that financial exigency or a program change requires the discharge

TERMINATION OF CONTRACT:
REDUCTION IN FORCE

DFF
(LOCAL)

or nonrenewal of one or more employees in accordance with this policy. Such a determination constitutes sufficient cause for discharge or nonrenewal.

SCOPE OF
REDUCTION

When a reduction in force is to be implemented, the Superintendent shall make recommendations to the Board and the Board shall determine the employment areas to be affected. In determining affected employment areas, the Board may combine or coordinate employment areas, as defined below (e.g., the Board may combine "elementary programs" and "compensatory education programs" to identify an employment area of "elementary compensatory education program").

EMPLOYMENT AREAS

Employment areas include, but are not limited to:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education, compensatory education, and migrant education. Each special program is a separate employment area.
4. Counseling programs.
5. Library programs.
6. Nursing and other health services programs.
7. An educational support program that does not provide direct instruction to students.
8. Other Districtwide programs.
9. An individual campus.
10. Any administrative position(s), unit, or department.
11. Other contractual position(s).

CRITERIA FOR
DECISION

The Superintendent shall recommend to the Board the discharge or nonrenewal of employees within the affected employment area(s) because of a reduction in force, based on the following criteria. These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force, i.e., if all necessary reductions can be accomplished by applying the certification criterion, it is not necessary to apply the performance criterion, etc.

TERMINATION OF CONTRACT:
REDUCTION IN FORCE

DFF
(LOCAL)

1. Certification: Appropriate certification, endorsement, and/or highly qualified status for current or projected assignment.
2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information.

If the Superintendent at his or her discretion decides that the documented performance differences between two or more reduction-in-force prospects are too insubstantial to rely upon, he or she may proceed to apply criterion 3 and, thereafter and to the extent needed, criterion 4.

3. Seniority: Length of service in the District, as measured from the employee's most recent date of hire.
4. Professional Background: Professional education and work experience related to the current or projected assignment.

CONSIDERATION
FOR AVAILABLE
POSITIONS

Once the Superintendent has identified the appropriate employees in the affected area(s), those employees may apply for other available positions for which they are qualified. An employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedure to be considered for a particular vacancy.

Up until the date of a hearing requested in accordance with this policy, an employee who applies for an open position must be offered the position if the employee meets the District's objective criteria for that position and is the most qualified internal applicant for the position.

NOTICE AND
HEARING

After considering the Superintendent's recommendation, the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing.

NONRENEWAL

An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB.

DISCHARGE

An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing before an independent hearing examiner in accordance with DFD.

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.

EMPLOYEE RIGHTS AND PRIVILEGES

DG
(LEGAL)

EMPLOYEE FREE
SPEECH

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate; however, neither employees nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S. Ct. 733 (1969) [See also GKD]

FEDERAL
PROHIBITION ON
RETALIATION

Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any federal offense, shall be fined under Title 18, United States Code, or imprisoned not more than ten years, or both. 18 U.S.C. 1513(e)

WHISTLEBLOWER
PROTECTION

The Board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by the District or another public employee to an appropriate law enforcement authority.

A "report" is made to an "appropriate law enforcement authority" if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov't Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov't Code 554.008*

DEFINITIONS

"Employee" means an employee or appointed officer who is paid to perform services for the District. It does not include independent contractors. *Gov't Code 554.001(4)*

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A "good faith" belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

EMPLOYEE RIGHTS AND PRIVILEGES

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2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
 - a. Regulate under or enforce the law alleged to be violated in the report, or
 - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dept. of Trans. v. Needham, 82 S.W.3d 314 (Tex. 2002)

WHISTLEBLOWER
COMPLAINTS

An employee who alleges a violation of whistleblower protection may sue the District for injunctive relief, actual damages, court costs, and attorneys fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

INITIATE
GRIEVANCE

Before suing, an employee must initiate action under the District's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke the District's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

LEGAL ACTION

If the Board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust the District's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate District grievance procedures and sue within the time lines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

EMPLOYEE RIGHTS AND PRIVILEGES

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(LEGAL)

NOTICE OF
RIGHTS

The Board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

PROTECTION FOR
REPORTING CHILD
ABUSE

The Board or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who in good faith:

1. Reports child abuse or neglect to:
 - a. The person's supervisor,
 - b. An administrator of the facility where the person is employed,
 - c. A state regulatory agency, or
 - d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of the foregoing may sue for injunctive relief, damages, or both. A District employee who has a cause of action under WHISTLEBLOWER PROTECTION may not bring an action under PROTECTION FOR REPORTING CHILD ABUSE.

Family Code 261.110

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

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.

The staff development may include:

1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;
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
3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451

The District may use Districtwide staff development that has been developed and approved through the District-level decision process. *Education Code 21.452(c)*

SPECIAL PROGRAMS
TRAINING

TITLE I STAFF
DEVELOPMENT

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. *20 U.S.C. 6320(a)* [See EHBD]

GIFTED AND
TALENTED
EDUCATION

The District shall ensure that:

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

PROFESSIONAL DEVELOPMENT:
REQUIRED STAFF DEVELOPMENT

DMA
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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 hired after September 1, 1996, 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 in individual cases if documentation of exceptional circumstances is submitted to TEA for approval. *19 TAC 89.25(a)(5)*

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:
EVALUATION OF TEACHERS

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(LEGAL)

FREQUENCY Except as provided below, each teacher must be appraised at least once during each school year. *Education Code 21.203, 21.352(c); 19 TAC 150.1003(a)*

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

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

District policy may stipulate:

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

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

19 TAC 150.1003(l)

ROLE OF
EXTRACURRICULAR
ACTIVITIES

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with extracurricular activities. *Education Code 21.353*

ACCESS TO
EVALUATIONS

The District shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.

Each teacher is entitled to receive a written copy of the evaluation on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

Education Code 21.352(c)

CONFIDENTIALITY

A document evaluating the performance of a teacher is confidential. *Education Code 21.355*

CHOICE OF
APPRAISAL
METHOD

The District shall use one of the following methods to appraise teachers:

1. The appraisal process and performance criteria developed by the Commissioner [see STATE METHOD, below]; or
2. A locally developed appraisal process and performance criteria [see DISTRICT OPTION and CAMPUS OPTION, below].

Education Code 21.352(a); 19 TAC 150.1001(a)

SELECTION OF
APPRAISAL
METHOD

The Superintendent, with the approval of the Board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher-appraisal system must follow the requirements set forth below at DISTRICT OPTION or CAMPUS OPTION. *19 TAC 150.1001(c)*

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

STATE METHOD
(PDAS)

The state appraisal method is the Professional Development and Appraisal System. The foundation for the PDAS is the teacher proficiencies described in *Learner-Centered Schools for Texas: A Vision of Texas Educators*. *19 TAC 150.1001(b), 150.1002(a)*

PERFORMANCE
DOMAINS

Each teacher shall be appraised on the following domains:

1. Domain I: Active, successful student participation in the learning process;
2. Domain II: Learner-centered instruction;
3. Domain III: Evaluation and feedback on student progress;
4. Domain IV: Management of student discipline, instructional strategies, time, and materials;
5. Domain V: Professional communication;
6. Domain VI: Professional development;

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DNA
(LEGAL)

7. Domain VII: Compliance with policies, operating procedures, and requirements; and
8. Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System [AEIS]).

Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process from observations, the Teacher Self-Report Form, and other documented sources.

The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.

19 TAC 150.1002(b), (c)

Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified. *19 TAC 150.1003(a)*

RATINGS

Each teacher shall be evaluated on Domains I through VIII using the following categories:

1. Exceeds expectations;
2. Proficient;
3. Below expectations; and
4. Unsatisfactory.

The teacher evaluation in Domain VIII shall include the following areas:

1. Efforts to enhance academic performance;
2. Efforts to enhance student attendance;
3. Efforts to identify and assist students in at-risk situations; and
4. Campus performance ratings.

Campus performance rating data for Domain VIII shall be reported (not scored) by the campus or District for the first year of the PDAS implementation and/or during the first year for new teachers to the campus.

19 TAC 150.1002(d)–(f)

ORIENTATION

The District shall ensure that all teachers are provided with an orientation to the PDAS no later than the final day of the first three

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weeks of school and at least three weeks before the first observation. Additional orientations shall be provided any time substantial changes occur in the PDAS. A teacher new to the District shall be provided with an orientation to the PDAS at least three weeks before the teacher's first observation.

The orientation shall include materials approved by the Commissioner. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length to allow teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

19 TAC 150.1007

TRAINING UPON
ADOPTION OF PDAS

In the initial year of adoption and implementation of the PDAS, selected teachers from each campus shall be given the opportunity to participate in the appraisal training for purposes of disseminating information to colleagues on their campus and assisting, at the discretion of the principal, in the orientation of all campus teachers. These teachers shall be designated as appraisal-orientation facilitators.

Each campus shall offer the opportunity to participate in appraisal training to a number of teachers equal to the number of campus administrators; however, each campus shall have at least one teacher participant. The principal shall select representative teachers from nominations submitted by the site-based decision-making (SBDM) committee. The principal may select representatives other than those nominated by the SBDM committee when nominated teachers are unable to attend appraisal training.

The District shall pay the training fees for its teachers attending the PDAS appraisal training.

The District shall make available additional training for teachers as part of the District's menu of professional development opportunities. All teachers are eligible to participate in appraisal and/or Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) training at their own expense.

19 TAC 150.1008

APPRAISERS

The teacher appraisal process requires at least one appraiser.

TEACHER'S
SUPERVISOR

The teacher's supervisor shall conduct the teacher's appraisal and must hold a superintendent, mid-management (principal), or supervisor certification, or must hold comparable certificates established by the State Board for Educator Certification. An appraiser other

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than the teacher's supervisor must be approved by the Board, hold a valid teaching certificate, and have at least three years of prekindergarten, elementary, or secondary teaching experience.

SAME CAMPUS

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

CERTIFICATION

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed uniform appraiser training. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1006

APPRAISAL
CALENDAR

The District shall establish a calendar for teacher appraisals. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The calendar shall:

1. Exclude observations in the three weeks after the day of completion of the PDAS orientation in the school years when an orientation is required;
2. Exclude observations in the three weeks after the day of completion of the PDAS orientation for teachers new to the PDAS;
3. Exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required;
4. Prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the Board; and
5. Indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.

19 TAC 150.1003(d)

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. *Education Code 21.352(d); 19 TAC 150.1003(c)*

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APPRAISAL
PROCESS

The annual appraisal shall include:

CLASSROOM
OBSERVATION

1. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the appraiser.

By mutual consent of the teacher and appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.

A written summary of each observation shall be given to the teacher within ten working days after the completion of an observation, with a pre- and post-observation conference conducted at the request of the teacher or appraiser;

TEACHER
SELF-REPORT

2. Completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:
 - a. Within the first three weeks from the day of completion of the PDAS orientation;
 - b. Within the first three weeks from the day of completion of the PDAS orientation, for teachers new to the PDAS; or
 - c. Within the first three weeks of instruction in the school years when the PDAS orientation is not required.

Revision of Section I, if necessary, and completion of Sections II and III of the Teacher Self-Report Form shall be presented to the principal at least two weeks before the summative annual conference;

CUMULATIVE DATA

3. Cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations; and

SUMMATIVE
REPORT AND
CONFERENCE

4. A written summative annual appraisal report and a summative annual conference, described below.

19 TAC 150.1003(b), (g)

SUMMATIVE REPORT

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

PERFORMANCE APPRAISAL:
EVALUATION OF TEACHERS

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SUMMATIVE
CONFERENCE

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

If the appraiser is not an administrator on the teacher's campus, the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus will participate in the summative annual conference. *19 TAC 150.1003(j)*

DOCUMENTATION

During the appraisal period, the appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in the PDAS. The appraiser is responsible for documentation of cumulative data. *19 TAC 150.1003(e), (f)*

Any third-party information from a source other than the teacher's supervisor that the appraiser wishes to include as cumulative data shall be verified and documented by the appraiser.

Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the appraiser is not the teacher's principal.

19 TAC 150.1003(f)

Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s). *19 TAC 150.1003(k)*

TEACHER RESPONSE

A teacher may submit a written response or rebuttal after receiving a written observation summary, summative annual appraisal report, and/or any other documentation associated with the teacher's appraisal. The rebuttal is to be attached to the evaluation in the teacher's personnel file.

Any written response or rebuttal must be submitted within ten working days of receiving the written summary, documentation, or report. At the discretion of the appraiser, this time period may be extended to 15 working days.

Education Code 21.352(c); 19 TAC 150.1005(a), (b)

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REQUEST FOR
SECOND APPRAISAL

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

The second appraisal must be requested within ten working days of receiving the summary or report. At the discretion of the appraiser, this time period may be extended to 15 working days. *19 TAC 150.1005(d)*

PROCEDURE FOR
SECOND
APPRAISAL

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

The second appraiser shall appraise the teacher in all domains and shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains. *19 TAC 150.1005(f)*

A teacher may be given notice of the date or time of a second appraisal, but advance notice is not required. *Education Code 21.352(c); 19 TAC 150.1005(e)*

APPEALS

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

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

DISTRICT OPTION

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

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

DEVELOPMENT
OF APPRAISAL
SYSTEM

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

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and

PERFORMANCE APPRAISAL:
EVALUATION OF TEACHERS

DNA
(LEGAL)

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

BOARD
ACCEPTANCE

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

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

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

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

CAMPUS OPTION

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

DEVELOPMENT OF
APPRAISAL
SYSTEM

The campus planning and decision-making committee shall:

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

APPRAISAL
PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and

PERFORMANCE APPRAISAL:
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3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and
 - b. Performance of the teachers' students.

BOARD
ACCEPTANCE

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

The Superintendent shall submit to the Board:

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

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

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

PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

FREQUENCY	<p>The employment policies adopted by the Board must require a written evaluation at annual or more frequent intervals of each superintendent, principal, supervisor, counselor, or other full-time, certified professional employee, and nurse. <i>Education Code 21.203(a)</i></p>
ADMINISTRATOR APPRAISAL	<p>The District shall appraise each administrator annually using either:</p> <ol style="list-style-type: none">1. The Commissioner's recommended appraisal process and performance criteria; or2. An appraisal process and performance criteria developed by the District in consultation with the District- and campus-level committees and adopted by the Board. <p>District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months.</p> <p><i>Education Code 21.354(c), (d)</i></p>
PRINCIPALS	<p>The information in the annual report describing the educational performance of each campus [see BQB] shall be a primary consideration of the Superintendent in evaluating campus principals. In addition, the appraisal of a principal shall include consideration of the academic excellence indicators and the campus's objectives, including performance gains of the campus and the maintenance of those gains. <i>Education Code 21.354(e), 39.054(3)(D)</i></p>
COUNSELORS	<p>The Commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors. <i>Education Code 21.355</i></p>
CONFIDENTIALITY OF EVALUATION	<p>A document evaluating the performance of an administrator is confidential. <i>Education Code 21.355</i></p>
APPRAISAL PROCEDURES	<p>The following procedures for administrator appraisal are minimum requirements.</p> <p>The District shall establish an annual calendar providing for the following activities, which shall involve both the administrator and the appraiser:</p> <ol style="list-style-type: none">1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.2. Formative conference.3. Summative conference. <p><i>19 TAC 150.1022(a)</i></p>
APPRAISAL INSTRUMENT AND PROCESS	<p>The District shall involve appropriate administrators in developing, selecting, or revising the appraisal instruments and process.</p> <p>Before conducting appraisals, an appraiser shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.</p>

PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

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

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

DOMAINS

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

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

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

19 TAC 150.1021, 150.1022

SPECIAL EDUCATION STUDENTS:
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA
(LEGAL)

CHILD FIND	<p>The District shall ensure that all children residing within the District who have disabilities, regardless of the severity of their disabilities, including those attending private schools, and who are in need of special education and related services are identified, located, and evaluated. The District shall have a practical method for determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services. This requirement applies to highly mobile children (including migrant and homeless children) and children who are suspected of being in need of special education but who are advancing from grade to grade. <i>20 U.S.C. 1412(a)(3), 1413(a); 34 CFR 300.125</i></p>
REFERRALS	<p>Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the District's overall general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services. If the student continues to experience difficulty in the general classroom after the provision of interventions, District personnel must refer the student for a full and individual initial evaluation. This referral for a full and individual initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. <i>19 TAC 89.1011</i></p>
NOTICE OF RIGHTS	<p>Before the District proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate education to a student, the District shall provide written notice to the student's parent or guardian. <i>20 U.S.C. 1415(b)(3); 34 CFR 300.503(a)</i> [See EHBAD]</p>
TESTS AND EVALUATION MATERIALS	<p>The District shall ensure that tests and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so. Any standardized tests given to the child shall have been validated for the specific purpose for which they are used, administered by trained and knowledgeable personnel, and administered in accordance with any instructions provided by the producer of the tests. In addition, the District shall ensure that the child is assessed in all areas of suspected disability and that assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided. <i>20 U.S.C. 1414(b)(3); 34 CFR 300.532</i></p>

SPECIAL EDUCATION STUDENTS:
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA
(LEGAL)

INITIAL EVALUATION Before initially providing special education and related services to a child with a disability, the District shall conduct a full and individual initial evaluation. Before the District conducts an initial assessment, it shall:

1. Give the child's parent prior written notice, which includes a full explanation of all procedural safeguards and describes any evaluation procedures the District proposes to conduct; and
2. Obtain parental consent for the evaluation.

Parental consent shall not be construed as consent for placement. If the parents refuse consent for the evaluation, the District may continue to pursue an evaluation by utilizing mediation and due process procedures. If a parent revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked). [See EHBD]

20 U.S.C. 1414(a)(1), (b); 34 CFR 300.500(b)(1); 300.505; 300.531

TESTING
PROCEDURES

The initial evaluation shall consist of procedures to determine whether a child is a child with a disability, as defined below at ELIGIBILITY, and to determine the educational needs of the child. In conducting the evaluation, the District shall:

1. Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability, and the content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general curriculum;
2. Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
4. Use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

20 U.S.C. 1414(a)(1)(B); 34 CFR 300.320, 300.532

TIME LINE

A written report of a full and individual initial evaluation shall be completed not later than the 60th calendar day following the date

SPECIAL EDUCATION STUDENTS:
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA
(LEGAL)

on which the District, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the child's parent or legal guardian. The evaluation shall be conducted in accordance with federal and state law and using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004*

On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. 1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, the District shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If the District determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent, the District shall provide the information described above to the child's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

The time required for the District to provide information and seek consent under Education Code 29.0041(b) may not be counted toward the 60 calendar days for completion of an evaluation under Education Code 29.004. If a parent does not give consent under Education Code 29.0041(b) within 20 calendar days after the date the District provided to the parent the information required, the parent's consent is considered denied.

Education Code 29.0041

REVIEW OF
EVALUATION DATA

As part of an initial evaluation, and as part of any reevaluation, the ARD committee and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related service providers' observations. On the basis of this review, and input from the child's parents, the ARD committee shall identify what additional data, if any, are needed to determine:

1. Whether the child has a particular category of disability, or in the case of a reevaluation, whether the child continues to have such a disability;
2. The present levels of performance and educational needs of the child;

SPECIAL EDUCATION STUDENTS:
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA
(LEGAL)

3. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general curriculum.

The review may be conducted without a meeting. If the review determines that no additional data are needed, the District shall so notify the parents of that determination, the reasons for it, and the parents' right to request an assessment to determine whether, for the purposes of receiving special education services, the child continues to be a child with a disability.

20 U.S.C. 1414(c)(1); 34 CFR 300.533

ELIGIBILITY

To be eligible for special education services a student must have been determined to have one or more of the disabilities listed in federal regulations or in state law or both. *19 TAC 89.1040*

A student is eligible to participate in the District's special education program if the student is between the ages of 3 and 21 inclusive with one or more disabilities (physical disability, mental retardation, emotional disturbance, learning disability, autism, speech or language impairment, traumatic brain injury, visual or auditory impairment, orthopedic impairments, a specific learning disability, deaf-blindness, multiple disabilities, or other health impairments) that prevent the student from being adequately or safely educated in the public schools without the provision of special services. A student with a visual or auditory impairment shall be eligible to participate in the District's special education program from birth.

Graduation with a regular high school diploma pursuant to 19 TAC 89.1070(b)(1)–(2) terminates a student's eligibility to receive services. An eligible student receiving special education services who is 21 years of age on September 1 of a school year shall be eligible for services through the end of that school year or until graduation with a regular high school diploma, whichever comes first.

20 U.S.C. 1401(3); 34 CFR 300.7; Education Code 29.003(b), 30.002; 19 TAC 89.1035

A child between the ages of three and five who is evaluated as having mental retardation, emotional disturbance, a specific learning disability, or autism may be described as noncategorical early childhood. *20 U.S.C. 1401(3); 34 CFR 300.7; 19 TAC 89.1040*

DETERMINATION OF
ELIGIBILITY

Upon completion of tests and other evaluation materials, the determination of whether the child is eligible for special education shall

SPECIAL EDUCATION STUDENTS:
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA
(LEGAL)

be made by the ARD committee and the parent. In making the determination, a child shall not be determined to be a child with a disability if the determinant factor for the determination is lack of instruction in reading or math or limited English proficiency. A copy of the evaluation report and the documentation of determination of eligibility must be given to the parent. *20 U.S.C. 1414(b)(4), (5); 34 CFR 300.534*

PUBLIC NOTICE

The District shall develop a system to notify District residents with children ages three to five who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

REEVALUATIONS

The District shall ensure that each child with a disability is reevaluated if conditions warrant or if the child's parent or teacher requests a reevaluation, but at least once every three years. Before conducting a reevaluation, the District shall give the parent notice that describes any evaluation procedures the District proposes to conduct and shall obtain written parental consent, except that such informed parental consent need not be obtained if the District can demonstrate that it had taken reasonable measures to obtain consent and the parent has failed to respond. *20 U.S.C. 1414(a)(2), (b), (c); 34 CFR 300.505, 300.536*

CHANGE IN
ELIGIBILITY

The District shall evaluate a child with a disability before determining that the child is no longer a child with a disability. *20 U.S.C. 1414(c)(5); 34 CFR 300.534(c)(1)*

INDEPENDENT
EVALUATION

AT PUBLIC
EXPENSE

The parents of a child with a disability have a right to obtain an independent educational evaluation if they disagree with the District's evaluation. Upon request for an independent evaluation, the District shall provide parents with information regarding where one can be obtained. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation. If a parent requests an independent evaluation, the District shall either ensure that an evaluation is performed at public expense or initiate a due process hearing to establish that the District's evaluation is appropriate. If the District initiates a hearing, and the District's evaluation is found to be appropriate, the parent still has a right to an independent evaluation, but not at public expense.

AT PRIVATE
EXPENSE

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation shall be considered by the District, if it meets District criteria, in any decision made with respect to providing a free appropriate public education to the child.

34 CFR 300.502

SPECIAL PROGRAMS:
OTHER INSTRUCTIONAL INITIATIVES

EHBK
(LEGAL)

CHARACTER
EDUCATION

The District may provide a character education program, which must:

1. Stress positive character traits, such as:
 - a. Courage;
 - b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
 - c. Integrity;
 - d. Respect and courtesy;
 - e. Responsibility, including accountability, diligence, perseverance, and self-control;
 - f. Fairness, including justice and freedom from prejudice;
 - g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
 - h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
 - i. School pride;
2. Use integrated teaching strategies; and
3. Be age appropriate.

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

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

Education Code 29.906

TEXAS FIRST
RESPONDERS DAY

Districts shall regularly observe Texas First Responders Day, September 11, by appropriate ceremonies. Each district may determine the appropriate ceremonies for observation of Texas First Responders Day. *Gov't Code 662.050*

CELEBRATE
FREEDOM WEEK

To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which November 11 falls is designated as Celebrate Freedom Week in public schools. For purposes of this

	<p>section, Sunday is considered the first day of the week. <i>Education Code 29.907</i></p>
APPROPRIATE INSTRUCTION	<p>Each social studies class shall include, during Celebrate Freedom Week or during another full school week as determined by the Board, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical context.</p> <p>The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.</p> <p><i>19 TAC 74.33(a)</i></p>
RECITATION	<p>Each district shall require that, during Celebrate Freedom Week or other prescribed week of instruction, students in grades 3–12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."</p>
EXCEPTION	<p>Each district shall excuse from recitation a student:</p> <ol style="list-style-type: none">1. Whose parent or guardian submits to the District a written request that the student be excused;2. Who, as determined by the District, has a conscientious objection to the recitation; or3. Who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity. <p><i>19 TAC 74.33(b)</i></p>
HATE CRIMES LAW PROGRAM	<p>The attorney general, in cooperation with TEA, shall develop a program that provides instruction about state hate crimes laws to students at appropriate grade levels. TEA shall make the program available on request of the Board or District. <i>Education Code 29.905</i></p>
CPR INSTRUCTION	<p>To the extent that resources are available, through TEA or otherwise, the District shall provide cardiopulmonary resuscitation (CPR) instruction to students.</p>

SPECIAL PROGRAMS:
OTHER INSTRUCTIONAL INITIATIVES

EHBK
(LEGAL)

A district that provides instruction to students in the principles and techniques of CPR may accept from TEA donations the agency receives under Education Code 7.026. The District must use those donations in providing instruction to students in the principles and techniques of CPR. The District may accept other donations, including donations of equipment, for use in providing CPR instruction.

Education Code 29.903

Each district is strongly encouraged to aggressively pursue donations of time, equipment, and other resources necessary to implement these provisions. The CPR instruction should conform to nationally recognized guidelines. *Acts 2001, 77th Leg., R.S., Ch. 814, Sec. 3*

CHARTER CAMPUS OR PROGRAM

EL
(LEGAL)

DEFINITION	<p>For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. <i>Education Code 12.051(1), 12.052(b), 12.053(b)</i></p>
POLICY	<p>The District shall adopt a campus charter and program charter policy, which shall specify the:</p> <ol style="list-style-type: none">1. Process for approval of a campus charter or program charter;2. Statutory requirements with which a campus charter or program charter must comply; and3. Items that must be included in a charter application. <p><i>Education Code 12.058</i></p>
CREATION BY PETITION	<p>The Board may grant a charter to parents and teachers for a campus or a program on a campus if the Board is presented with a petition signed by:</p> <ol style="list-style-type: none">1. The parents of a majority of the students at that campus; and2. A majority of the classroom teachers at that campus. <p>The Board may not arbitrarily deny a charter.</p> <p><i>Education Code 12.052</i></p>
CREATION WITHOUT PETITION	<p>The Board may grant a charter for:</p> <ol style="list-style-type: none">1. A new District campus; or2. A program that is operated:<ol style="list-style-type: none">a. By an entity that has entered into a contract with the District under Education Code 11.157 [see EEL] to provide educational services to the District through the campus or program; andb. At a facility located in the boundaries of the District.
ENROLLMENT	<p>The District may not assign a student to the charter campus or program unless the student’s parent or guardian has voluntarily enrolled the student.</p>
REMOVAL	<p>A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.</p>
TEACHER ASSIGNMENT	<p>The District may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment.</p> <p><i>Education Code 12.0521</i></p>

CHARTER CAMPUS OR PROGRAM

EL
(LEGAL)

COOPERATIVE
CHARTER PROGRAM

The Board may grant a charter to parents and teachers at two or more campuses in the District for a cooperative charter program if the Board is presented with a petition signed by:

1. The parents of a majority of the students at each school; and
2. A majority of the classroom teachers at each school.

Education Code 12.053

STUDENT ELIGIBILITY

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

EXEMPTION

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the Board from which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

CHARTER CONTRACT

A charter shall be in the form and substance of a written contract signed by the Board President and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs;
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification the Board requires.

Education Code 12.061

CONTENT OF
CHARTER

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;

2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be placed on probation or revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees;
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

Education Code 12.059

REVISION

A charter created by petition or a cooperative charter program may be revised with Board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

APPLICABILITY OF
LAWS

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055*

EDUCATION CODE

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;

2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
 - a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
 - b. Criminal history records under Subchapter C, Chapter 22;
 - c. High school graduation under Section 28.025;
 - d. Special education programs under Subchapter A, Chapter 29;
 - e. Bilingual education under Subchapter B, Chapter 29;
 - f. Prekindergarten programs under Subchapter E, Chapter 29;
 - g. Extracurricular activities under Section 33.081 (i.e., “no pass-no play”);
 - h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors); and
 - i. Public school accountability under Subchapter B, C, D, and G, Chapter 39.

Education Code 12.056

OPEN MEETINGS
AND PUBLIC
INFORMATION
ACTS

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act).

TEACHER
RETIREMENT
SYSTEM

An employee of a charter campus or program who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee employed on a regularly operating campus or in a regularly operating program. This provision does not apply to an employee of a charter campus or program that is operated by an entity that has entered into a contract with the District to provide educational services through the charter campus or program.

LIABILITY

The charter campus or program, and its employees and volunteers, are immune from liability to the same extent as the District, its employees, and volunteers, respectively.

Education Code 12.057

CHARTER CAMPUS OR PROGRAM

EL
(LEGAL)

PLACEMENT ON
PROBATION OR
REVOCAATION

The Board may place on probation or revoke a charter it grants if the Board determines that the campus or program:

1. Committed a material violation of the charter;
2. Failed to satisfy generally accepted accounting standards of fiscal management;
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action the Board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

PROCEDURE

Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

The Board shall consider an application for a campus charter or program charter if the applicant:

1. Complies with the statutory requirements for a campus charter or program charter;
2. Follows the application process established by the District; and
3. Supplies evidence to the Board that the applicant will comply with the statutory and District requirements for a campus charter or program charter.

COMPLIANCE WITH
LAW

Campus charters and program charters shall comply with all federal law and with state law governing such charters and shall be non-sectarian.

APPLICATION
PROCESS

The Superintendent or designee shall schedule an informational meeting for anyone expressing interest in establishing a charter campus or charter program. Applications and petition forms for charter campuses and charter programs shall be available in the Superintendent's or designee's office.

Applicants shall present a draft of the application to the Superintendent or designee in accordance with a time line established in administrative regulations. The Superintendent or designee shall work with the applicants in completing the application process.

A public forum shall be held to allow the applicants an opportunity to present their proposals to the Board and to the community prior to formal consideration by the Board.

Final applications and petitions for campus charters or program charters shall be submitted to the District prior to January 1 for a charter to be considered by the Board to begin the following school year.

CONTENT OF FINAL
APPLICATION

A final application for a campus charter or program charter shall include the following:

1. The purpose and need for such a campus or program;
2. The unique distinction between the proposed program and the District's current program;
3. A mission and goals statement;
4. The curriculum to be offered;
5. A plan for measuring student achievement;

CHARTER CAMPUS OR PROGRAM

EL
(LOCAL)

6. A governance and decision-making plan, including a list of local Board policies which shall apply, as well as a list of local policies the applicant is requesting the Board to waive;
7. An enrollment and withdrawal process;
8. A plan for maintaining and reporting PEIMS data in accordance with state requirements;
9. Discipline procedures;
10. A safety and security plan;
11. A plan for providing facilities and student transportation;
12. A facility and maintenance plan that includes routine maintenance as well as emergency procedures for managing potential danger to the health and safety of students and employees;
13. An employment plan consistent with federal and applicable state guidelines, due process requirements, and contract non-renewal and termination procedures; and
14. The role of the chief operating officer responsible for personnel, the budget, purchasing, program funds, and other areas of management.

Applicants shall submit with the application the required petitions indicating evidence of support for the approval of a campus charter or program charter.

CONTENT OF
CHARTER

A charter shall be a written contract signed by the Board President, the Superintendent, and the chief operating officer of the campus charter or program charter.

Each charter shall:

1. Satisfy the requirements of the law governing campus charters or program charters.
2. Include the items listed in the application, with any modifications required by the Board.
3. Stipulate a term length for the charter.
4. Establish a date for review or renewal of the charter.

PROVISIONS FOR
REVOCATION

The Board may revoke a charter if it finds that the charter campus or charter program:

1. Violates a provision of applicable state or federal law.

2. Violates a provision of the charter.
3. Fails to meet generally accepted accounting standards for fiscal management.

REVOCATION
PROCEDURE

The Superintendent shall investigate any allegation that a charter campus or charter program has violated federal or applicable state law or provisions of the charter or fails to meet generally accepted accounting standards for fiscal management. The Superintendent shall hold a conference with the chief operating officer and governing body of the charter campus or program to discuss any such allegation.

If the Superintendent determines that a violation or mismanagement has occurred, the chief operating officer of the charter campus or program shall respond to the allegation at the next regularly scheduled Board meeting. The Superintendent shall ensure that the issue is on the agenda.

The Board shall hear the presentation and take action, if necessary, to place the charter campus or program on probation.

If the Board decides to consider revocation of the charter, it shall schedule a public hearing to be held on the campus where the program is located.

ADMISSIONS

FD
(LEGAL)

- GENERAL ELIGIBILITY The Board or its designee shall admit into the public schools of the District free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought if any of the following conditions exist:
- STUDENT AND PARENT 1. The person and either parent reside in the District.
 - CONSERVATOR 2. The person does not reside in the District, but one of the parents resides in the District and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.
 - GUARDIAN OR PERSON HAVING LAWFUL CONTROL 3. The person and his or her guardian or other person having lawful control under an order of a court reside in the District.
 - STUDENTS LIVING SEPARATE AND APART 4. The person is under the age of 18 and has established a separate residence in the District apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the District is not for the primary purpose of participation in extracurricular activities. The Board is not required to admit such person, however, if the person has:
 - a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;
 - b. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or
 - c. Been convicted of a criminal offense and is on probation or other conditional release.
- Education Code 25.001(a), (b), (d)*
- HOMELESS STUDENTS 5. The person is a homeless child. [See also FDC]
 - a. A child is "homeless," under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:
 - (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

- (2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (4) Migratory children living in circumstances described above.

“Migratory child” means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work:

- (a) Has moved from one school district to another; or
- (b) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

20 U.S.C. 6399

- b. A child is homeless, under state law, regardless of the residence of the child, either parent, or the child’s guardian or other person having lawful control, if:
 - (1) The child lacks a fixed, regular, and adequate nighttime residence; or
 - (2) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education Code 25.001(b); 42 U.S.C. 11434(a)

ADMISSIONS

FD
(LEGAL)

FOREIGN
EXCHANGE
STUDENTS

6. The person is a foreign exchange student placed with a host family that resides in the District by a nationally recognized foreign exchange program, unless the District has applied for and been granted a waiver by the Commissioner because:
 - a. This requirement would impose a financial or staffing hardship on the District;
 - b. The admission would diminish the District's ability to provide high quality education services for the District's domestic students; or
 - c. The admission would require domestic students to compete with foreign exchange students for educational resources.

Education Code 25.001(b)(6), (e) [See also FOREIGN STUDENTS, below]

STUDENTS IN
RESIDENTIAL
FACILITIES

7. The person resides at a residential facility, as defined in Education Code 5.001, located in the District. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*

STUDENTS
OVER 18

8. The person resides in the District and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*

PROOF OF
ELIGIBILITY

The District may require evidence that a person is eligible to attend the public schools of the District at the time it considers an application for admission of the person. The Board or its designee shall establish minimum proof of residency acceptable to the District. The Board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under item 4 above, the Board shall determine whether an applicant qualifies as a resident of the District and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*

The District may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

FOREIGN STUDENTS
SEVIS SYSTEM

A district that seeks to enroll a nonimmigrant, alien student holding an F visa (academic institutions), J visa (exchange student program), or M visa (nonacademic institution), including a "border commuter" student holding an F-3 or M-3 visa (Canadian and Mexican nationals), must apply to the United States Attorney General for approval.

The District must also apply for a password to submit electronic data regarding nonimmigrant students through the Student and Exchange Visitor Information System (SEVIS). The District shall provide the information set forth at 8 U.S.C. 1372(c) and 8 CFR 214.3(g), regarding each student with an F, J, or M visa. Within 21 days of a change in any of the information, the District must update SEVIS with the current information.

8 U.S.C. 1372; 8 CFR 214.3(a)(1)(i), (g), (h)

Within 30 days after the deadline for registering for classes for an academic term, the District shall report to the Immigration and Naturalization Service any failure to enroll of a student holding an F, J, or M visa. *8 U.S.C. 1372(a)(4); 8 CFR 214.3(g)(2)*

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)*

ILLEGAL ALIENS

Denying enrollment to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Plyler v. Doe*, 457 U.S. 202 (1982)

HIGH SCHOOL
EQUIVALENCY
CERTIFICATE

A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

SUBSTITUTE FOR
PARENT OR
GUARDIAN

The Board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

STUDENTS IN
FOSTER CARE

A student placed in foster care by an agency of the state or a political subdivision, and whose foster parents reside in the District, shall be permitted to attend District schools free of any charge to the foster parents or to the agency. No durational residency requirement shall be used to prohibit such a student from fully participating in all activities sponsored by the District. *Education Code 25.001(f)*

A student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care by the Department of Human Services at a residence outside the attendance area for the school or outside the District is entitled to complete high school at the school

	<p>in which the student was enrolled at the time of placement without payment of tuition. <i>Education Code 25.001(g)</i></p>
TRANSFERS FROM OTHER STATES	<p>The District shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the Commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to the District. <i>Education Code 25.003</i></p>
TEXAS YOUTH COMMISSION	<p>A school-age child of an employee of the Texas Youth Commission (TYC) residing in an adjacent district may attend school in the District free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TYC facility. <i>Education Code 25.042</i></p>
MILITARY DEPENDENTS	<p>The District may not charge tuition for the attendance of a student who is domiciled in another state and resides in military housing that is located in the District but is exempt from taxation by the District. <i>Education Code 25.004</i></p>
ENROLLMENT	<p>A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. The District shall record the name, address, and date of birth of the person enrolling the child. <i>Education Code 25.002(f)</i></p>
LEGAL SURNAME	<p>A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. <i>Education Code 25.0021</i></p>
REQUIRED DOCUMENTATION	<p>Not later than the 30th day after the date a parent or other person with legal control of a child enrolls the child in a District school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the District all of the following:</p> <ol style="list-style-type: none">1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner of Education in the <i>Student Attendance Accounting Handbook</i>;2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state; <p>Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.</p>

3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a); 19 TAC 129.1(a), (b)

CHILD IN FPS
POSSESSION

The District shall enroll a child without the required documentation if the Department of Family and Protective Services (FPS) has taken possession of the child. FPS shall ensure that the required documentation is furnished to the District not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

INCONSISTENT
DOCUMENTATION

If a child is enrolled under a name other than the name that appears in the identifying documents or records, the District shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

MISSING
DOCUMENTATION

If the required documents and other records are not furnished to the District within 30 days after enrollment, the District shall notify the police department of the city or the sheriff's department of the county in which the District is located and request a determination of whether the child has been reported as missing.

Education Code 25.002(b), (c)

STUDENTS UNDER 11

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;
2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and
3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:
 - a. A certified copy of the child's birth certificate; or
 - b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation

required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

FALSE INFORMATION

When accepting a child for enrollment, the District shall inform the parent or other person enrolling the child that presenting a false document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in the District is liable to the District if the student is not eligible for enrollment, but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee the District may charge [see FDA] or the amount the District has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

The District may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

PLACEMENT OF
TRANSFERS

CREDITS AND
RECORDS

The District shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at the District's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

The District shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in Texas Youth Commission educational programs. *Education Code 30.104*

The District shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a District school. *Education Code 37.001(d)*

NONPUBLIC
SCHOOLS

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

ADMISSIONS

FD
(LEGAL)

PREKINDERGARTEN
TUITION–FREE

The District shall offer free prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age and may offer free prekindergarten if it identifies 15 or more eligible children who are at least three years of age. A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and is:

1. Unable to speak and comprehend the English language;
2. Educationally disadvantaged; or
3. Homeless, as defined by federal law (see GENERAL ELIGIBILITY, item 5), regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control.

The District shall develop a system to notify the population in the District with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. Notices shall be issued in both English and Spanish. [See EEL]

Education Code 29.153

TUITION–
SUPPORTED OR
DISTRICT–
FINANCED

The District may offer on a tuition basis or use District funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

The District may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c). The District must submit its proposed tuition rate to the Commissioner for approval.

Education Code 29.1531

SHARED SITE

Before establishing a new prekindergarten program, the District shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site.

Education Code 29.1533

GRANT
PROGRAMS

The District may use funds from grants administered by the Commissioner to operate an existing half-day kindergarten or prekindergarten program on a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program. *Education Code 29.155*

ADMISSIONS

FD
(LEGAL)

KINDERGARTEN	The District shall establish and maintain one or more kindergarten programs for the training of resident children who are at least five years of age on or before September 1 of the current school year. <i>Education Code 29.151</i> [See EC]
FIRST GRADE	A child may be enrolled in the first grade if the child is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state prior to transferring to a Texas public school. <i>Education Code 42.003(c)</i>
UNDERAGE STUDENTS	A student younger than five years of age is entitled to the benefits of the Foundation School Program if the student performs satisfactorily on the state assessment instrument administered to third graders and the District has adopted a policy to admit students younger than five years of age. <i>Education Code 42.003(d)</i>
SCREENING	The principal of each District school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and acanthosis nigricans screening, or has submitted an affidavit of exemption. <i>Health and Safety Code 36.005, 37.002, 95.003(c)</i> [See FFAA]
PEST CONTROL INFORMATION	At the time a student is registered, District personnel shall inform parents, guardians, or managing conservators that the school periodically applies pesticides indoors and that information on the application of pesticides is available on request. <i>Occupations Code 1951.455</i> [See CLB]

STUDENT ACTIVITIES

FM
(LEGAL)

APPLICABILITY OF UIL RULES AND DISTRICT POLICIES	A student enrolled in the District or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to District policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of the Board. <i>Education Code 33.081(b)</i> [See FO regarding additional standards of conduct for extracurricular activities]
SUSPENSION FROM EXTRACURRICULAR ACTIVITIES	A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the District or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than an identified honors or advanced class.
LENGTH OF SUSPENSION	A suspension continues for at least three school weeks and is not removed during the school year until the conditions of REINSTATEMENT, described below, are met. A suspension shall not last beyond the end of a school year.
GRADE EVALUATION PERIOD	“Grade evaluation period” means: <ol style="list-style-type: none">1. The six-week grade reporting period; or2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks. <p><i>Education Code 33.081(c)</i></p>
SCHOOL WEEK	The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. <i>19 TAC 76.1001(b)</i>
ADVANCED COURSES	The following are considered “advanced courses” for the purposes of this policy: <ol style="list-style-type: none">1. English Language Arts: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the <i>Community College General Academic Course Guide Manual (Part One)</i>;2. Fine Arts: All College Board advanced placement courses and International Baccalaureate courses in the discipline, high school/college concurrent enrollment classes that are included in the <i>Community College General Academic Course Guide Manual (Part One)</i>, Dance IV (not to include drill team activities), Art IV, Music IV, and Theatre IV;

3. Languages other than English: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One)*, and languages other than English courses Levels IV-VII;
4. Mathematics: All College Board advanced placement courses and International Baccalaureate courses in the discipline, high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One)*, and Precalculus;
5. Science: All College Board advanced placement courses and International Baccalaureate courses in the discipline, and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One)*; and
6. Social Studies: Social Studies Advanced Studies, Economics Advanced Studies, all College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One)*.

The District may identify additional advanced courses, but must do so before the semester in which any exemptions related to extracurricular activities occur.

19 TAC 74.30

STUDENTS WITH
DISABILITIES

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for the District's special education program under Education Code 29.003(b).

Education Code 33.081(e)

PRACTICE OR
REHEARSAL

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance.
Education Code 33.081(f)

STUDENT ACTIVITIES

FM
(LEGAL)

REINSTATEMENT

Until the suspension is removed or the school year ends, the District shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than an identified honors or advanced class, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

ATTENDANCE AND PARTICIPATION

The State Board of Education by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The Board may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the District, UIL, or an organization sanctioned by Board resolution. The policy must permit a student to be absent from class at least ten times during the school year, and the policy prevails over any conflicting policy adopted by the State Board of Education.

Education Code 33.081(a), 33.0811

STATE BOARD OF EDUCATION RULES

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from the Board. If sanctioned by resolution of the Board, student participation in the organization's activities shall be subject to all provisions of statute and to Texas Administration Code Title 19, section 76.1001. If the Board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

EXTRACURRICULAR ACTIVITIES

An extracurricular activity is an activity sponsored by the UIL, the Board, or an organization sanctioned by Board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills, but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include public performances (except as described below), contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;

STUDENT ACTIVITIES

FM
(LEGAL)

3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

EXCEPTION —
PUBLIC
PERFORMANCES

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The performance is one to which the general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

19 TAC 76.1001(a)

LIMITS ON
PARTICIPATION
AND PRACTICE

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

DURING THE
SCHOOL WEEK

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below;
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition;
3. For each extracurricular activity, the District must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The Commissioner recommends that school districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

19 TAC 76.1001(d); Education Code 33.081(a)

DURING THE
SCHOOL DAY

Limitations on practice and rehearsal during the school day shall be as follows:

1. The District must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.

STUDENT ACTIVITIES

FM
(LEGAL)

2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. The District must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or non-traditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

RECORD OF
ABSENCES

The District shall maintain an accurate record of extracurricular absences for each student in the District each school year. *19 TAC 76.1001(c)*

PARENTAL NOTICE
AND CONSENT

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (regarding child abuse investigations). *Education Code 26.008(a)*

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. The District may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

A District employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

DISCRIMINATORY
CLUB

An extracurricular activity sponsored or sanctioned by the District, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that

denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

Education Code 33.082

COMMUNITY RELATIONS:
ADVERTISING AND FUND RAISING IN THE SCHOOLS

GKB
(LEGAL)

OUTDOOR ADVERTISING	A person commits an offense if the person willfully erects or maintains outdoor advertising in violation of Transportation Code Chapter 391. <i>Trans. Code 391.031, 391.061</i>
EXCEPTION	An outdoor advertising sign may include the logo or emblem of an entity if the sign is erected or maintained by a public school in a county with a population of 65,000 or less, the entity sponsors or provides significant funding to the school, and the entity's logo or emblem occupies less than 25 percent of the area of the sign. <i>Trans. Code 391.037</i>
DEFINITION	"Outdoor advertising" means an outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended, or used to advertise or inform if any part of the advertising or information content is visible from the main-traveled way of the interstate or primary system. <i>Trans. Code 391.001(10)</i>
CHARITABLE RAFFLES	<p>A raffle is the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. <i>Occupations Code 2002.002(6)</i></p> <p>A "qualified nonprofit organization" for purposes of the Charitable Raffle Enabling Act may conduct raffles in accordance with the Act to benefit the District or school. A parent-teacher organization may be qualified to hold such raffles if it meets the requirements of the Act. <i>Occupations Code 2002.003, 2002.051; Atty. Gen. Op. JM-1176 (1990)</i> [See also FJ]</p>

COMMUNITY RELATIONS:
NONSCHOOL USE OF SCHOOL FACILITIES

GKD
(LEGAL)

PROHIBITED ACTS	<p>An officer or employee of the District who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:</p> <ol style="list-style-type: none">1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the District;2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the District;3. Refuse to grant a benefit to the person; or4. Impose an unreasonable burden on the person. <p><i>Civil Practices and Remedies Code 116.001</i></p>
RIGHT TO PRESERVE USE	<p>The District, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. <u><i>Lamb's Chapel v. Center Moriches Union Free Sch. Dist.</i></u>, 508 U.S. 384, 113 S. Ct. 2141 (1993)</p>
FORUM FOR COMMUNICATION	<p>The District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. <u><i>Perry Educ. Ass'n v. Perry Local Educators' Ass'n</i></u>, 460 U.S. 37, 103 S. Ct. 948 (1983); <u><i>Chiu v. Plano Indep. Sch. Dist.</i></u>, 260 F.3d 330 (5th Cir. 2001)</p> <p>The District is not required to allow persons to engage in every type of speech when the District establishes a limited public forum; the District may be justified in reserving its forum for certain groups or for the discussion of certain topics. The District shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. <u><i>Good News Club v. Milford Cent. Sch.</i></u>, 533 U.S. 98, 121 S. Ct. 2093 (2001); <u><i>Lamb's Chapel v. Center Moriches Union Free Sch. Dist.</i></u>, 508 U.S. 384, 113 S. Ct. 2141 (1993)</p>
FEES FOR USE	<p>The Board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of the District's facilities, in the amounts and manner determined by the Board. <i>Education Code 45.033</i></p>
PATRIOTIC SOCIETIES	<p>If the District has a designated open forum or a limited public forum and receives funds made available through the U.S. Department of Education, the District shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society),</p>

COMMUNITY RELATIONS:
NONSCHOOL USE OF SCHOOL FACILITIES

GKD
(LEGAL)

that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

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

YOUTH GROUP

“Youth group” means any group or organization intended to serve young people under the age of 21.

LIMITED PUBLIC
FORUM

For purposes of this policy regarding PATRIOTIC SOCIETIES, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SPONSORSHIP

Nothing in this policy shall be construed to require the District to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

FACILITIES AS
POLLING PLACES

The District shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the District shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a District building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

POLITICAL PARTY
CONVENTIONS

The District shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except

Coppell ISD
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COMMUNITY RELATIONS:
NONSCHOOL USE OF SCHOOL FACILITIES

GKD
(LEGAL)

for reimbursement for the actual charges resulting from use of the building for the convention. The District shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

COMMUNITY RELATIONS:
SCHOOL VOLUNTEER PROGRAM

GKG
(LEGAL)

PROGRAM
REQUIREMENTS AND
GUIDELINES

The District shall develop a volunteer program. In developing the program, the District shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, the District shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003* [See DC regarding criminal history record check]

A volunteer program shall include:

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

Gov't Code 2109.004(a)

A volunteer program may:

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

Gov't Code 2109.004(b)

VOLUNTEER
IMMUNITY

A volunteer who is serving as a direct service volunteer in the District is immune from civil liability to the same extent as a District employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

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

Education Code 22.053