



Localized Policy Manual Update 107

Denton ISD

Remember: You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more on my.tasb.org under *Policy Service Resource Library: Local Manual Updates*.

Need help? Please call your policy consultant, Tammy Jordan, at 800-580-7529 or e-mail Policy.Service@TASB.org.

Overview

Update 107 contains recommended changes to local policies on topics including:

- Gifts, fundraising, and solicitations;
- Expense reimbursement; and
- Compulsory attendance.

Revisions to legal policies incorporate various administrative rules and additional provisions from the Every Student Succeeds Act (ESSA).

Your Localized Update 107 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- **Vantage Points—A Board Member's Guide to Update 107**, which provides local officials a highly summarized first glance at the update. Please distribute the enclosed copies of *Vantage Points* to your board members with the review copies of the update.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

(LEGAL) vs. (LOCAL) Policies: Remember the Difference

(LEGAL) policies:

- Reflect the ever-changing legal context for governance and management of the district
- Should inform local decision making
- Should NOT be adopted, but only reviewed

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the district and the intentions of the board
- May only be changed by board action (adopt, revise, or repeal)

If your board adopts changes to the (LOCAL) policies contained in this packet, please notify your policy consultant.

How to Place Policy Changes on the Agenda for Board Action

Board action on Localized Update 107 must occur within a properly posted, open meeting of the board.

- Update 107 may be addressed on the agenda posting as “Policy Update 107, affecting (LOCAL) policies (see attached list of codes).”
- You may use the “Agenda Posting (LOCAL) Policy List” provided online in *Local Manual Updates* and attach that list to the posting, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the material provided below.
- **BoardBook** compilers should use “Policy Update 107, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the policy code, title, and subtitle of each of the (LOCAL) policies affected by the update.
- Here is a suggested motion for board action on Localized Update 107:

“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 107 [with the following changes:]”

How to Notify Policy Service of Board Action

Notify Policy Service of the board's action on Update 107 using the Update 107 Adoption Notification Form, enclosed, so Policy Service records remain accurate.

How to Keep Minutes

The board's action on Localized Update 107 must be reflected in board minutes. Your minutes should include:

- The list of proposed (LOCAL) policy actions, such as the Instruction Sheet—annotated to reflect any changes made by the board
- The Explanatory Notes for the update (filed as an attachment to the minutes)
- Copies of new, replaced, or rescinded (LOCAL) policies

How to Maintain Your Historical Record

To construct a separate historical record of the manual, you must track the history of individual (LOCAL) policies. You should maintain a permanent historical record of every (LOCAL) policy adopted, revised, or rescinded by the board.

At a minimum, this record should include the following key pieces of information:

- Policy code
- Date of board action
- Text of policy

For more guidance on maintaining this record, please refer to:

- *The Administrator's Guide to Policy Management* (<https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx>)
- Tutorial videos on handling an update (<https://www.tasb.org/Services/Policy-Service/myTASB/Tutorials.aspx>)

These guides are available in the myTASB *Policy Service Resource Library*.

How to Keep Your Administrative Regulations Current

Inspect your administrative procedures and documents—including EXHIBITS, REGULATIONS, handbooks, and guides—that may be affected by Update 107 policy changes.

If you must make changes to the REGULATIONS or EXHIBITS contained in your board policy manual, please notify your policy consultant.

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PLEASE NOTE: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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Instruction Sheet

TASB Localized Policy Manual Update 107

District Denton ISD

Code	Action To Be Taken	Note
A25 (INDEX)	Replace cross-index	Revised cross-index
AF (LEGAL)	Replace policy	Revised policy
BBFA (EXHIBIT)	DELETE exhibit	See explanatory note
BDAE (LEGAL)	Replace policy	Revised policy
BJCF (EXHIBIT)	DELETE exhibit	See explanatory note
BR (LEGAL)	Replace policy	Revised policy
C (LEGAL)	Replace table of contents	Revised table of contents
CDC (LEGAL)	Replace policy	Revised policy
CDC (LOCAL)	ADD policy	See explanatory note
CFC (LEGAL)	Replace policy	Revised policy
CJ (LEGAL)	ADD policy	See explanatory note
CJ (LOCAL)	ADD policy	See explanatory note
CMD (LEGAL)	Replace policy	Revised policy
CQA (LEGAL)	Replace policy	Revised policy
DBA (LEGAL)	Replace policy	Revised policy
DBD (LEGAL)	Replace policy	Revised policy
DBD (EXHIBIT)	DELETE exhibit	See explanatory note
DBE (EXHIBIT)	DELETE exhibit	See explanatory note
DC (LEGAL)	Replace policy	Revised policy
DC (LOCAL)	Replace policy	Revised policy
DECA (LEGAL)	Replace policy	Revised policy
DEE (LOCAL)	Replace policy	Revised policy
DF (EXHIBIT)	DELETE exhibit	See explanatory note
DFAA (LOCAL)	Replace policy	Revised policy
DFAB (EXHIBIT)	DELETE exhibit	See explanatory note
DFBA (LOCAL)	Replace policy	Revised policy
DFCA (LOCAL)	Replace policy	Revised policy
DFFA (EXHIBIT)	DELETE exhibit	See explanatory note
DFFC (EXHIBIT)	DELETE exhibit	See explanatory note
DH (EXHIBIT)	Replace exhibit	Revised exhibit
DHB (LEGAL)	Replace policy	Revised policy
DNA (LEGAL)	Replace policy	Revised policy

Instruction Sheet

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DNB	(LEGAL)	Replace policy	Revised policy
EFA	(EXHIBIT)	DELETE exhibit	See explanatory note
EFAA	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FEA	(LOCAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFA	(LEGAL)	Replace policy	Revised policy
FFAA	(LEGAL)	Replace policy	Revised policy
FFAB	(LEGAL)	Replace policy	Revised policy
FJ	(LEGAL)	Replace policy	Revised policy
FJ	(LOCAL)	Replace policy	Revised policy
GE	(LOCAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

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A25 (INDEX) CROSS-INDEX

The cross-index, shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual*, has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2015.

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

AF (LEGAL) INNOVATION DISTRICTS

Final rules from the Administrative Code, effective September 11, 2016, have been added to this legally referenced policy on innovation districts. The rules clarify that the board may outline the parameters around which the innovation plan committee may develop the plan. See PUBLIC HEARING on page 1. Regarding ADOPTION OF A LOCAL INNOVATION PLAN, the district must report the approved exemptions on a form provided by TEA. At WEBSITE POSTING on page 4, a new provision requires the district's innovation plan to be posted on the district's website. Details from the rules were also added at DEFINITIONS on page 1 and at AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL INNOVATION PLAN on page 4.

BBFA (EXHIBIT) ETHICS
CONFLICT OF INTEREST DISCLOSURES

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes forms that a board member may need to complete to disclose a conflict of interest, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

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

This legally referenced policy on the district depository has been revised to add existing statutory provisions. A board member who has a CONFLICT OF INTEREST with a potential district depository must abstain from the vote on the award of the contract. See page 3. Additional details have been added to fully describe the options for the depository to file a BOND or APPROVED SECURITIES as AUTHORIZED COLLATERAL for the district's deposits and to provide a definition of "eligible security." Other changes have been made to reorder provisions and better match statutory wording.

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BJCF (EXHIBIT) SUPERINTENDENT NONRENEWAL

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes a sample notice form addressing nonrenewal of the superintendent's contract, is being recommended for deletion from the district's policy manual. This form will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

BR (LEGAL) REPORTS

This listing of required district reports has been revised to delete two reports that are no longer required, to better match statutory wording, and to update citations.

C (LEGAL) BUSINESS AND SUPPORT SERVICES

The subtitle of CDC has been changed to Gifts and Solicitations.

CDC (LEGAL) OTHER REVENUES GIFTS AND SOLICITATIONS

The subtitle of this legally referenced policy has been changed to Gifts and Solicitations to better reflect the content. An existing provision that prohibits a district from sponsoring or conducting CHARITABLE RAFFLES has been moved to this policy code from FJ(LEGAL). Other revisions are to better match statutory wording and remove provisions about the use of certain grant money for employee salaries and about the annual financial statement that are currently included in CFA(LEGAL).

CDC (LOCAL) OTHER REVENUES GIFTS AND SOLICITATIONS

This local policy is recommended for inclusion in the district's policy manual to address gifts and solicitations. The policy is divided into two main sections, with one section on unsolicited gifts and the other on donations solicited by the district or its employees.

The policy text authorizes the superintendent to accept UNSOLICITED GIFTS, subject to the factors at CRITERIA FOR ACCEPTANCE; however, the policy requires the board to consider and approve any gift that is conditional on the district's use of the gift for a specified purpose or gifts of real property. If the board's practice is to limit the authority of the superintendent to accept gifts above a certain value or if the board accepts all gifts, please contact the district's policy consultant for an adjustment to this text. Additional text clarifies that:

- No gift may be accepted if the gift would violate or conflict with policies or actions by the board or federal or state law, and
- All accepted gifts become the sole property of the district.

Explanatory Notes

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Text addressing SOLICITATIONS on behalf of the district, including WEB-BASED SOLICITATIONS, is prompted by the popularity of online funding mechanisms, commonly referred to as crowdfunding. These policy provisions require an employee who solicits gifts on behalf of the district or for use in the fulfillment of his or her professional responsibilities to comply with relevant state and federal law and any administrative regulations of the district. All donations solicited in the name of the district or a campus or using district or campus resources become the sole property of the district. The policy permits an employee to solicit web-based donations of money or items for use by the employee in fulfilling his or her professional responsibilities or for the district's use. Prior approval from the employee's supervisor is required if the employee wishes to use the name or image of the district, a campus, or any student.

CFC (LEGAL) ACCOUNTING
AUDITS

At TYPES OF RATINGS on page 3, a new provision has been added from amended rules effective September 11, 2016. The provision explains that a district receiving territory from annexation or consolidation ordered by the commissioner of education will not receive a financial accountability rating for two years.

CJ (LEGAL) CONTRACTED SERVICES

This legally referenced policy is being added to the district's policy manual to include provisions from the Every Student Succeeds Act (ESSA). The new provisions require a district that receives Title I funds to have regulations or policies that prohibit assistance to school employees, contractors, or agents in obtaining a new job if there is knowledge or probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student. Certain exceptions to the requirements apply.

See CJ(LOCAL) and DC(LOCAL) for provisions to satisfy the local policy requirement.

CJ (LOCAL) CONTRACTED SERVICES

This local policy is recommended for inclusion in the district's policy manual to satisfy policy requirements from the Every Student Succeeds Act (ESSA), described above at CJ(LEGAL), prohibiting employment assistance to certain individuals that are believed to have engaged in sexual misconduct regarding a minor or student. The local policy provisions prohibit a district employee from assisting any contractor or agent of the district or of another district in obtaining a new job if the employee knows or has probable cause to believe that the contractor or agent engaged in such behavior. Likewise, the policy prohibits a district contractor or agent from assisting an employee, contractor, or agent of the district or of another school district in obtaining a job if the contractor or agent knows or has probable cause to believe that the individual engaged in sexual misconduct with a minor or student.

See DC for corresponding provisions prohibiting employment assistance to employees of the district or of another district.

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

Revisions on page 6 address new EMPLOYEE TRAINING requirements added to the Administrative Code effective May 5, 2016. The rule requires an employee who orders instructional materials to complete TEA-developed training. Also as a result of the changes to the Administrative Code, a provision about lost instructional materials has been deleted. Other changes are to better match statutory wording.

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CQA (LEGAL) TECHNOLOGY RESOURCES DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

This legally referenced policy addressing internet postings has been revised to include two existing posting requirements. At REQUIRED INTERNET POSTINGS, item 6 has been added addressing the requirement for a district to post targeted improvement plans for campuses with unacceptable performance ratings. At OPTIONAL INTERNET POSTINGS on page 4, item 2 has been added addressing publication of the superintendent's employment contract.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

At FEDERAL REQUIREMENTS FOR TEACHERS AND PARAPROFESSIONALS, beginning on page 4, a provision from the Every Student Succeeds Act (ESSA) clarifies the requirements that apply to paraprofessionals beginning in the 2016–17 school year. ESSA requires the state's professional standards for paraprofessionals working in a program supported with Title I funds to include qualification standards in place on the day before enactment of ESSA (December 10, 2015). For reference purposes, the policy includes the federal qualification standards in place before December 10, 2015.

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

This conflict of interest policy has been updated at HOLDING CIVIL OFFICE on page 4 to add more detail from the Texas Constitution when an individual receives compensation from state funds and also serves as a member on certain governing bodies.

DBD (EXHIBIT) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes forms that an employee may need to complete to disclose a conflict of interest, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

DBE (EXHIBIT) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS NEPOTISM

This exhibit, which depicts the relationships that violate the nepotism law, is being recommended for deletion from the district's policy manual. An updated nepotism illustration is now included in TASB Legal Services' eSource resource at https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Personnel/documents/nepotism_chart.pdf.

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DC (LEGAL) EMPLOYMENT PRACTICES

This legally referenced policy is being amended to include provisions from the Every Student Succeeds Act (ESSA). The new provisions, beginning on page 5, require a district that receives Title I funds to have regulations or policies that prohibit assistance to school employees in obtaining a new job if there is knowledge or probable cause to believe that the employee engaged in sexual misconduct regarding a minor or student. Certain exceptions to the requirements apply.

See CJ(LOCAL) and DC(LOCAL) for provisions to satisfy the local policy requirement.

DC (LOCAL) EMPLOYMENT PRACTICES

Recommended revisions to this local policy are to satisfy policy requirements from the Every Student Succeeds Act (ESSA), described above at DC(LEGAL), prohibiting employment assistance to school employees who are believed to have engaged in sexual misconduct regarding a minor or student. The local policy provisions prohibit a district employee from assisting an employee of the district or of another school district in obtaining a new job if the employee knows or has probable cause to believe that the other employee engaged in such behavior. See also CJ for corresponding prohibitions relating to contractors and agents.

Administrative provisions addressing exit interviews and reports are recommended for deletion from board policy.

Please note: We have retained your locally developed text at EMPLOYMENT OF CONTRACTUAL PERSONNEL, which allows the superintendent to hire classroom teachers from June 1 to August 31.

DECA (LEGAL) LEAVES AND ABSENCES FAMILY AND MEDICAL LEAVE

An existing definition of "EQUIVALENT POSITION" has been added to this legally referenced policy on Family and Medical Leave. See page 4. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position.

Citations have been updated throughout.

DEE (LOCAL) COMPENSATION AND BENEFITS EXPENSE REIMBURSEMENT

Several changes are recommended to this local policy on expense reimbursement. The reference to administrative procedures has been moved to the first paragraph of the policy to clarify that all aspects of reimbursement, not just documentation requirements, must be in accordance with the district's established regulations.

Two provisions are recommended for deletion. The first, which required reimbursements to be in accordance with legal requirements, is covered by provisions in DEE(LEGAL) referring to the *TEA Financial Accountability System Resource Guide* for employee expense reimbursement guidance. The second, which required accounting records to reflect that no state or federal funds were used to reimburse travel expenses beyond those authorized for state employees, is not required for all reimbursements. Deletion of this provision will provide the district more flexibility to administer reimbursements in accordance with the district's current accounting procedures and TEA guidelines.

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Please note: Contact your policy consultant for an adjustment to the district's policy if the district requires receipts instead of providing a per diem for meal expenses not related to a state or federal grant.

DF (EXHIBIT) TERMINATION OF EMPLOYMENT

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes sample notice forms on contract termination, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

DFAA (LOCAL) PROBATIONARY CONTRACTS SUSPENSION/TERMINATION DURING CONTRACT

A recommended change to this local policy, consisting of changing the "or" to an "and" in the first line, clarifies that suspension with pay is the same as being placed on administrative leave. Likewise, we have deleted the unnecessary reference to administrative leave at the end of the sentence.

This policy is being issued at no charge to the district.

DFAB (EXHIBIT) PROBATIONARY CONTRACTS TERMINATION AT END OF YEAR

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes sample notice forms addressing termination of probationary contracts at the end of the year, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

DFBA (LOCAL) TERM CONTRACTS SUSPENSION/TERMINATION DURING CONTRACT

A recommended change to this local policy, consisting of changing the "or" to an "and" in the first line, clarifies that suspension with pay is the same as being placed on administrative leave. Likewise, we have deleted the unnecessary reference to administrative leave at the end of the sentence.

This policy is being issued at no charge to the district.

DFCA (LOCAL) CONTINUING CONTRACTS SUSPENSION/TERMINATION

A recommended change to this local policy, consisting of changing the "or" to an "and" in the first line, clarifies that suspension with pay is the same as being placed on administrative leave. Likewise, we have deleted the unnecessary reference to administrative leave at the end of the sentence.

This policy is being issued at no charge to the district.

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DFFA (EXHIBIT) REDUCTION IN FORCE FINANCIAL EXIGENCY

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes sample notice forms addressing termination of probationary or term contracts due to financial exigency, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

DFFC (EXHIBIT) REDUCTION IN FORCE CONTINUING CONTRACTS

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes sample notice forms addressing termination of continuing contracts due to financial exigency, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

DH (EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT

Changes to this exhibit on the Educators' Code of Ethics are a result of amended Administrative Code rules, effective December 27, 2016. The change at Standard 1.13 makes it a violation of the Code of Ethics for an educator to be intoxicated on school property or during school activities when students are present. The change at Standard 1.14 implements provisions of the Every Student Succeeds Act (ESSA) that prohibit employees from providing assistance to school employees, contractors, or agents in obtaining a new job if there is knowledge or probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student. See also the update notes at CJ and DC.

DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

Existing Administrative Code provisions have been added at ACCEPTING RESIGNATION on page 4. These provisions explain that before accepting an educator's resignation that requires a report to SBEC, the superintendent shall inform the employee and the school board that the report will be filed. Even if the educator resigns, the superintendent must complete an investigation if there is reasonable cause to believe that the educator may have engaged in misconduct.

DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

This legally referenced policy on evaluation of teachers was revised to include an existing provision from the Administrative Code stating that a district with a locally developed appraisal system should have clearly defined procedures for training appraisers and is responsible for documenting completion of the training. See APPRAISERS on page 14.

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DNB (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF CAMPUS ADMINISTRATORS

This legally referenced policy on evaluation of campus administrators was revised to include existing provisions from the Administrative Code addressing when a district uses the Texas Principal Evaluation and Support System (T-PESS) for administrators other than principals. The provisions require evaluation on at least one goal drafted in conjunction with the previous end-of-year conference. At least one goal must focus on the improvement of the administrator's practice. See APPRAISAL OF CAMPUS ADMINISTRATORS OTHER THAN PRINCIPALS, beginning on page 5. In addition, the district should have clearly defined procedures for training APPRAISERS and is responsible for documenting completion of the training.

EFA (EXHIBIT) INSTRUCTIONAL RESOURCES INSTRUCTIONAL MATERIALS

In an effort to provide districts more flexibility for customizing and formatting forms, TASB Policy Service is recommending that several exhibits containing forms be deleted from the local policy manual and instead be housed with the district's other administrative materials. Therefore, this exhibit, which includes forms to use when an individual wishes to challenge the appropriateness of instructional materials, is being recommended for deletion from the district's policy manual. The forms will be available on myTASB when Update 53 to the *Regulations Resource Manual* is published in mid-March.

EFAA (LEGAL) INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

This legally referenced policy on selection and adoption of instructional materials has been amended as a result of revised Administrative Code rules effective May 5, 2016. The rules clarify that a district may requisition instructional materials on the SBOE INSTRUCTIONAL MATERIALS LIST for grades above the grade level in which the student is enrolled.

The rules deleted the requirement for a board to adopt a policy for selecting instructional materials. Instead, the rules require a board to select instructional materials in an open meeting with proper notice under the Open Meetings Act. See LOCAL SELECTION.

A previous Administrative Code provision addressing selection of ancillary materials was deleted in the revised rules.

EHBB (LEGAL) SPECIAL PROGRAMS GIFTED AND TALENTED STUDENTS

This legally referenced policy on gifted and talented students was revised to better match statutory structure and wording.

EHBG (LEGAL) SPECIAL PROGRAMS PREKINDERGARTEN

An expired provision on reporting a district's strategies to increase community awareness of prekindergarten has been deleted from this legally referenced policy.

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EHDD (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT COLLEGE COURSE WORK/DUAL CREDIT

A new Administrative Code provision effective May 24, 2016, has been added at REPORTING OFF-CAMPUS PROGRAMS on page 4. The provision clarifies that a district may adopt a policy that allows an eligible student, as defined in the policy, to participate in an instructional program provided by an accredited institution of higher education [addressed at EHDD(LOCAL), not included in this update].

EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

A change at ENDORSEMENTS on page 9 is from amended Administrative Code rules effective August 22, 2016. The rules clarify that the same course may count as part of the set of four courses for more than one endorsement. Citations have also been updated.

F (LEGAL) STUDENTS

The title of FJ has been changed to Student Fundraising.

FEA (LOCAL) ATTENDANCE COMPULSORY ATTENDANCE

Recommended revisions at STUDENTS ATTENDING HOMESCHOOLS are based on recent guidance from TEA and to align with documentation requirements outlined in the TEA Texas Student Data System, Appendix 8.D. The policy changes explain that students who are homeschooled are exempt from compulsory attendance and also address what the district will accept as adequate documentation of home-schooling when a student withdraws from the district. A district may also request a letter of assurance from a parent that a school-aged child in the district is being educated using a curriculum designed to meet basic education goals, regardless of whether the child attended a district school.

See TEA's *To the Administrator Addressed: Re: Home Schools* (August 16, 2016), available at http://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Home_Schools/ and the 2016–17 TEDS-PEIMS Appendix 8.D, available at http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS-PEIMS_Appendices/.

FEB (LEGAL) ATTENDANCE ATTENDANCE ACCOUNTING

A new Administrative Code provision, effective May 24, 2016, has been added at FUNDING FOR OFF-CAMPUS PROGRAMS on page 2 and explains that funding eligibility for students who are participating in an approved off-campus instructional program includes time instructed in the off-campus program. When a student participates in an off-campus instructional program provided by an accredited institution of higher education, the district must have an agreement with the college.

An Administrative Code change clarifies that a student not on campus when attendance is taken may be considered in attendance for Foundation School Program purposes if the student is participating in a board-approved activity under the direction of a district's professional or "paraprofessional" staff. See item 1 at EXCEPTIONS, beginning on page 2. Previously, the activity had to be under the direction of a professional staff member.

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Also at EXCEPTIONS, provisions that are duplicated in FEA(LEGAL) have been deleted and replaced with a cross-reference to that code.

FFA (LEGAL) STUDENT WELFARE
 WELLNESS AND HEALTH SERVICES

Final rules from the U.S. Department of Agriculture, effective August 29, 2016, have been incorporated into this legally referenced policy on student health and wellness. The rules address wellness policy requirements under the Healthy, Hunger-Free Kids Act of 2010. Districts must comply with the newly revised federal rules by June 30, 2017. See FFA(LOCAL) below for local policy information.

FFAA (LEGAL) WELLNESS AND HEALTH SERVICES
 PHYSICAL EXAMINATIONS

This legally referenced policy on physical examinations has been updated to include existing statutory provisions that:

- Permit spinal screening requirements to be met by a professional examination (see OUTSIDE SCREENING on page 4),
- Authorize the district to do a PROVISIONAL ADMISSION for up to 60 days when a parent arranges a spinal screening by a person other than the screener used by the district,
- Outline recordkeeping and reporting requirements for spinal screenings (see RECORDS on page 5), and
- Require the superintendent to provide the parent a REPORT OF ABNORMALITY if a student may have an abnormal spinal curvature.

Several outdated provisions have been deleted, and other changes have been made throughout to better match statutory wording.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES
 IMMUNIZATIONS

Revisions at IMMUNIZATION REQUIREMENTS on page 1 are to align the text with the Administrative Code, including changes effective July 28, 2016, and include the following:

- The hepatitis A vaccine is required for all students in kindergarten–grade 12, not just students in high incidence areas.
- Students enrolling in grades 7–12 must have one dose of the meningococcal vaccine on or after the student's 11th birthday.

A new Administrative Code provision, effective July 28, 2016, requires a district to provisionally admit a CHILD IN FOSTER CARE for 30 days if evidence of vaccination is not available. See page 3.

The July rule changes also address electronic immunization records. The rules clarify at EVIDENCE OF IMMUNIZATION, on page 4, that immunization records generated from electronic health record systems must include the clinic contact information and the provider's signature or stamp and that IMMUNIZATION RECORDS may be stored in paper or electronic form.

Citations have been updated throughout the policy.

Explanatory Notes

TASB Localized Policy Manual Update 107

FJ (LEGAL) STUDENT FUNDRAISING

An existing provision from the Administrative Code on student fundraisers has been added to this legally referenced policy, which has been retitled Student Fundraising. The provision allows districts to authorize up to six days per school year on each school campus for student fundraisers that involve the sale of food and beverages that do not meet federal nutrition standards, as long as the foods and beverages are not sold in competition with school meals.

A provision that prohibits a district from sponsoring or conducting charitable raffles has been moved from this code to CDC(LEGAL), above.

FJ (LOCAL) STUDENT FUNDRAISING

Significant revisions are recommended to simplify and streamline this local policy, which has been retitled Student Fundraising to better reflect the content. Extensive administrative details are recommended for deletion from the policy. As reflected in the introductory sentence to the policy, details on fundraising plans, approval of activities, and reporting are typically addressed in administrative regulations and need not be included in board-adopted policy. Provisions on fundraising by outside organizations were moved to GE.

Remaining policy statements include provisions that address student participation in approved activities that benefit the district or a nonschool, charitable organization. Those activities must relate to the district's educational mission and participation must be voluntary.

In accordance with law, no fundraising is permitted during class time.

The final paragraph includes a reminder that fundraisers involving the sale of food and beverages that can be consumed during the school day must comply with federal competitive food standards, unless it is an exempted fundraiser as permitted by state and federal law. See FJ(LEGAL), above.

GE (LOCAL) RELATIONS WITH PARENT ORGANIZATIONS

As part of the review of solicitation and fundraising provisions throughout the policy manual, changes are recommended to this local policy, which focuses on activities by district-affiliated school-support or booster organizations and other parent groups. The revisions clarify that when such groups fundraise or solicit donations, those activities must be consistent with the district's philosophy and objectives, board policies, and administrative regulations and be conducted in accordance with UIL or other applicable governing association guidelines. In addition, the organization or group must notify the principal or other administrator before engaging in fundraising or soliciting donations. A cross-reference to CDC for district acceptance of gifts and donations was also added.

GKA (LEGAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

The full text of the FEDERAL GUN-FREE SCHOOL ZONES ACT of 1990 has been added to this legally referenced policy beginning on page 8. The Act makes it unlawful for a person to knowingly possess a firearm at a place that the person knows or has reasonable cause to believe is a school zone or to discharge or attempt to discharge a firearm at a place the person knows is a school zone. "School zone" is defined in the policy, which includes certain exceptions to both of these prohibitions.

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.

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 drug screening/testing
 athletes/students FNF
 bus drivers DHE
 employees DHE
 drug searches by trained dogs DHE, FNF
 drug use DH, DHE, DI, FFAC, FNCF, FOC, FOD, FOF
 dual contracts DCB, DK
 dual language immersion program (DLIP) EHBE
 due process
 regarding complaints alleging violation of constitutional
 rights DGBA, FNG, GF
 under continuing contracts DFCA
 hearings by hearing examiner DFD
 under probationary contracts DFAA
 for students FOA, FOD, FOE, FOF
 under term contracts BJCE, BJCF, DFBA, DFBB
 dues, membership for professional organizations CFEA
 duplicating and printing CPAA, FL, GBA
 duty-free lunch DL
 duty schedule DK
 dyslexia BQ, EHB, EHBC, EKB, EKC, EL

- E -

early graduation EI, EIC, EIF, FMH
 early mental health intervention FFB
 early voting BBB
 early voting clerk FEA
 e-cigarettes (See electronic cigarettes)
 ECPA (See Electronic Communication Privacy Act)
 EDGAR (See Education Department General Administrative
 Regulations)
 education agency relations
 regional service center GNB
 state agency GND

voluntary accreditation agency GNE
 Education Department General Administrative Regulations
 CB, CBB
 education media and service centers GNB
 educational philosophy AE
 educational program access EHA
 educational specifications, facilities CS
 educational television EFF
 educator certification/credentials DBA, DCB, DFBB, DK,
 DPB
 educator excellence innovation program (EEIP) *See also*
 campus incentive plan) DEAA
 EEIP (See educator excellence awards)
 election clerks BBB, EIA, FEA, FEB, FEC
 election of board members BBB
 electioneering BBB
 elective instruction EHAD
 electronic bids and proposals CH
 electronic cigarettes DH, FNCD, GKA
 electronic communication BBI, CQ, FNCE
 security breach of CQ
 Electronic Communication Privacy Act (ECPA) CQ
 electronic communications system CQ
 electronic communications service CQ
 electronic courses, defined EHDE
 electronic devices, possession or use of CQ, FNCE
 electronic media CY, DH
 electronic storage CQ
 electronic textbook CMD, EFAA
 elementary instruction, required EHAB
 emergency
 board meetings BE
 first aid care CKD, FFAC
 placement FOE
 plans and procedures, drills CKC
 repairs CH, CLB, CV
 school closings CKC
 suicide attempts/threats FFB, FFE
 emotionally disturbed students (*See also* students: with
 disabilities) FFB, FFE
 employees
 organizations CFEA, CPAB, DGA, DGB, GKD
 qualifications BJA, DBA, DP
 relations with students DH, DIA, FFH
 employment
 aiding and abetting CJ, DC
 application DC
 annualized salary DEA
 architects and engineers CV, CVA, CVB, CVC, CVD,
 CVE, CVF
 board members, former BBC, DC
 conflict of interest DBD
 criminal history record DBAA
 early separation DEA
 furlough program DEA
 medical examinations, screenings DBB, DEC
 nepotism restrictions DBE, DC, DCD, DK
 outside consultants BDE
 practices DAC, DC, DCA, DCB, DCC, DCD, DCE
 requirements
 bus driver annual physical DBA, DBB
 residency DB
 restrictions on moonlighting DBD, DEC, DECA
 after retirement DC, DPB
 status
 at-will DC, DCD
 continuing contract DC, DCC
 leave DEC, DECA, DECB

non-Chapter 21 contract DC, DCE
 noncontract DC, DCD
 probationary DC, DCA
 reasonable assurance CRF, DCD, DCE
 return to probationary status DFAC
 temporary teacher contract DC, DCB, DPB
 term contract (educator) DC, DCB
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
 endorsements, graduation plan EIF
 energy conservation CH, CL
 engineers and architects selection CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 English as a second language EHBE
 English language learners EHBC, EHBE, EIE, EKB, EKBA
 enrichment curriculum EHAA
 enrollment
 age requirements FD, FDA
 by attendance zone FC
 exemptions from health requirements FFAA, FFAB
 expelled transfer students FD, FOD
 health requirements FD, FFAA, FFAB
 immunizations FFAB
 projections CT
 residence requirements FD
 transfers from other districts FDA
 tuition FDA
 voluntary FEA
 environmental authorities GRA
 epinephrine auto-injectors FFAF
 equal access FNAB, GKD
 equal educational opportunities EHBA, FB
 equal employment opportunities DAA, DAB, DAC
 equalization allotment, state CBA
 equipment and supplies
 borrowing/loaning CMB, DG
 distribution CMB, CMD
 equipment maintenance CLB
 insurance program CRA, CRB
 inventory CFB, CMA
 receiving/warehousing CMA
 repair CLB
 ESSA (See Every Student Succeeds Act)
 E-rate CQ
 ethics
 board members BBBB, BBF, BBFA, BBFB, CAA
 personnel CAA, DBD, DH
 evacuation diagrams CKK
 evaluation
 administrative goals and objectives BI
 board self-evaluation BG
 campus charter and program charter schools EL
 existing facilities CS
 fiscal management CA
 personnel DN, DNA, DNB
 programs BQ
 superintendent BJCD
 evening sessions EC, EHBI, FP
 Every Student Succeeds Act (ESSA)
 adequate yearly progress (AYP) AID, EHBD
 credentials DBA, DK, EHBD
 migratory child EEB
 parent and family engagement BQ
 recruiters FL, GKC
 school restructuring AIC, EHBD
 student/parent rights EF
 technology CQ
 examinations
 for acceleration EHDC

credit by examination
 with prior instruction EHDB
 without prior instruction EHDC
 final EIAA
 state-mandated EKB
 exchange students FD
 executive session (See closed board meetings)
 exempt/nonexempt personnel DEA
 exit interviews DC, DCD, DF
 exit-level test EI, EIF, EKB, FMH
 expenditures of funds CE, CFD, CHD
 expense reimbursement
 board members BBG, DEE
 personnel DEE
 superintendent BJCA
 experimental courses EGA
 expulsion of students FOD, FODA, FOE
 extended instructional programs EHD
 extended instructional year (See year-round schools)
 extended year program EHBC, EIE
 extended year services EHBA, EHBAB
 extracurricular activities
 eligibility FM, FOA, FOC
 limits on absences FM
 related absences FEB, FM
 safety training of employees DMA
 standards of behavior FNC, FO
 students not enrolled FD
 suspension and reinstatement FM
 transportation to CNB, FMG
 eye-protective devices CKB

- F -

facilities
 climate control CL
 community use of GKD
 conduct on school premises GKA, GKC
 naming CW
 planning and construction CS, CT, CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 portable buildings CS
 faculty advisory council BQA, BQB, DGB
 fair employment CV, DAA, DAB, DAC
 Fair Labor Standards Act (FLSA) DEAB
 falsification of records DFBB, FD
 Family Educational Rights and Privacy Act (FERPA) FL
 Family and Medical Leave Act (FMLA) CRD, DEC, DECA,
 DECB
 FAPE (See Free Appropriate Public Education)
 federal funds CBB, EHBD
 Federal Gun Free School Zones Act GKA
 fees, fines, and dues
 copies of records FL, GBAA
 student FP
 transcript FL
 tuition FDA
 felony offenses BBC, DF, DH, FOC, FOD, GRA
 FERPA (See Family Educational Rights and Privacy Act)
 field trips EFD
 filling employment vacancies DC
 final examinations EIAA
 finality of grades DGBA, FNG
 financial accountability rating system CFC
 financial ethics BBFA, BBFB, CAA, DBD

financial exigency CEA, DFF, DFFA
 financial reports and statements BR, CFA
 firearms CNC, EHAD, FNCG, FOD, GKA
 fire authorities GRA
 fire drills and civil defense CKC, GKD
 fire escapes CKC
 fire insurance CRA
 fireworks GKA
 first aid CKD, FFAC
 First Amendment BED, CPAB, DG, EFA, EMB, EMI, FMA,
 FNA, FNAA, GKDA
 fiscal management CA
 fiscal year CE
 fixed assets CFB
 flag display CLE
 FLSA (See Fair Labor Standards Act)
 FMLA (See Family and Medical Leave Act)
 food allergy management plan FFAF
 food service
 breakfast program COB
 free and reduced-price meals program COB
 "junk food," sale restricted CO, FFA
 purchasing COA
 Summer Food Service Program COB
 surplus commodities CO
 vending/food dispensing machines COC, FFA
 foreign exchange students FD
 foreign language EHAB, EHAC
 foster care CNA, FD, FEA, FEB, FFAB, FFC
 foundation curriculum EHAA
 foundation high school program EIF
 foundation school program CBA
 four-year-olds EHBG, FD
 fraud CAA, CHE, DBD, DH
 Free Appropriate Public Education (FAPE) EHBA, EHBA,
 EHBAB, EHBAC, EHBAD, EHBABE
 free and reduced-price meals program (See food service)
 freedom of association DGA
 free speech (See First Amendment)
 fringe benefits DEB, DEC
 fund balance CE
 fundraising activities CO, DHA, FJ, GKB
 funds
 and accounts CFA
 activity, management of CFD
 depository BDAE
 investment, liquidity/diversification CDA
 furlough, gifted and talented EHBB
 furlough program, employees DEA

- G -

gangs, gang-related activities FNCC
 gate receipts CDG
 GED (See general equivalency diploma)
 gender-based harassment DAA, DIA, FB, FFH, FNC
 general educational development EHBC, EHBL
 general equivalency diploma (GED) EHBL, FD, FEA
 Genetic Information Nondiscrimination Act (GINA) DAB,
 DECA
 geographic boundaries AC
 gifted and talented student programs EHBB
 gifts
 bequests to the district BAA, CDC
 board members BAA, BBFA, BBFB, BBG

employees CAA, DBD, DHA
 instructional materials CMD, EFAA
 public CDC
 student CFD
 GINA (See Genetic Information Nondiscrimination Act)
 goals and objectives
 administration BI
 board BG
 district AE
 facility standards CS, CT
 fiscal management CA
 employment DA, DAC
 programs BQ, BQA, BQB
 government, student FMB
 grade advancement testing EIE
 GPA (See grades: grade point average)
 grade placement committee (GPC) EIE
 grades
 average required for credit EI
 computation of averages EIA, EIC
 dyslexic students EHB, EIE
 end-of-course (EOC) assessments EI, EIA, EIC, EKB,
 FMH
 finality of DGBA, FNG
 guidelines EIA
 grade point average (GPA) EIC
 partial credit EI
 penalties EIAB
 recording/reporting to parents EIA
 graduation
 assessments EKB
 early EIF, FMH
 endorsements EIF
 exercises FMH
 honor graduates EIC
 individual graduation committee (IGC) EIF
 of student in conservatorship of DFPS EIF
 prayer FMH, FNA
 ranking of graduates EIC
 requirements EIF
 special education students EIF, FMH
 grandparent (resident caretaker) CNA, FD
 grants CDC, DEAA
 classroom supply reimbursement DEE
 master teacher DEAA
 public education (PEG) FDAA
 grievance procedures (See complaints/grievances)
 grooming standards DH, FNCA
 grounds management CLB
 group health and life insurance CRD
 grouping for instruction EEA
 guest speakers EFC, GKC
 guidance program
 academic EJ
 student assistance/counseling FFE, FFEA
 guns CKC, CKE, DH, EHAD, FNCG, FOD, GKA

- H -

handbooks
 administrative regulations BP
 student FN, FNC
 harassment
 employees DAA, DH, DIA
 students DIA, FB, FFH, FFI, FNC

interns DIA
Hatch Amendment EF
hate literature FNAA, GKDA
Hazard Communication Act DI
hazardous routes CNA
hazing DH, FFI, FNCC
health
 care plans FFAF
 examinations/screenings
 diabetes FFAA
 drug/alcohol DHE, FNF
 dyslexia EHB
 hearing and vision, scoliosis FFAA
 personnel DBB, DHE
 students FFAA
 immunizations FFAB
 insurance CRD, FFD
 relations with health authorities GRA
 requirements for enrollment FFAB
 services DBB, FFA, FFAA, FFAC, FFAF
Health Information Portability Accountability Act (HIPAA)
 CRD
hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB,
 DFCA, DFD, DFF, DFFA, DFFB, DFFC
hearing impaired BE, EHBH
hearings
 board BE, DFBB, DGBA, FNG, GF
 budget CE
 challenging content of student records FL
 due process
 employees DFAA, DFBB, DFCA, DFD, DGBA
 students FOD, FOF
 expulsion of students FOD
 financial management report CFA
 independent hearing examiner DFBB, DFD
 nonrenewal BJCF, DFBB
higher education visits FEA
high school, college, and career preparation EHAC
High School Equivalency Program EHBL
HIPAA (See Health Information Portability Accountability Act)
hiring
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
 practices DAC, DC
 superintendent BJB
HIV (See AIDS/HIV)
holidays
 personnel DED
 school EB
 religious DEC, FEA, FEB
holdover doctrine BBC, DBE
homebound instruction EEH
homeland security BEC, CKC, GRC
homeless students CNA, EHBC, EHBD, EHDC, EI, FB, FD,
 FDC, FFAB, FFC
home-rule school district or charter AG
home-school instruction FDA, FEA
homework EIA
honor graduates EIC
honors courses EHBN, EIC, EIF
hospitalization insurance CRD
hours of school day EC
housing authorities relations GRA
HSEP (High School Equivalency Program) EHBL
human sexuality education EFAA, EHAA
hunter safety education EHAD
hurricane warnings CKC

IDEA (Individuals with Disabilities Education Act) EHBA,
 EHBA, EHBAB, EHBAC, EHBAD, EHBAE
identification card CLA
illness
 personnel DBB, DEC
 student FEC, FFAC, FFAD
immunity (See liability)
immunizations FD, FFAB
incentives DEAA, DEC
inclement weather procedures CKC
income tax, salary deductions for CFEA
increments, salary DEA
independent auditors CFC
independent hearing examiners BJCE, BJCF, DFAA, DFBA,
 DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
individual graduation committee (IGC) EIF
individualized learning
 correspondence course EHDE
 credit by examination EHDB, EHDC
 distance learning EHDE
 exams for acceleration EHDC
 remedial instruction EHBC
 special education EHBA, EHBA, EHBAB, EHBAC,
 EHBAD, EHBAE
 tutorial program EHBC
individualized education program EHBA, EHBA, EHBAB,
 EHBAC, EHBAD, EHBAE
individualized health care plan FFAF
individualized services plan EHBAC
industrial development authorities GRA
infection control officer GRC
infrastructure partnerships CDH
information
 access to district records BBE, GBAA
 access to employee records BBE, DBA, DN, GBAA
 access to student records BBE, FL
 demographic data CQ, GBA, GND
innovation districts AF
innovative programs EGA
inoculations FFAB
inspections
 facility CS, CV
 purchasing CHD
 safety CKA
instructional arrangements EE, EEA, EEB, EEC, EED, EEH,
 EEJ, EEL, EEM, EEP
instructional contracts with outside agencies EEL, EHBAC
instructional day EC, EED
instructional facilities allotment CCA
instruction facilities design CS
instructional goals and objectives BQ, BQA, BQB, EA
instructional materials
 adoption of EFAA
 advertising materials, use of FMA
 allotment CMD
 board action EFAA
 Braille CMD
 certification CMD, EFAA
 complaints concerning EFA
 conflict of interest BBFB, CMD, DBD
 custodian CMD
 condition of CMD
 control of CMD
 copyrighted material CY

curriculum guides EG
 destroyed CMD
 distribution of CMD
 disposal CMD
 electronic BBFB, CMD, EFAA
 inventory CFB, CMD
 library, media center EFB
 open-source EFAA
 ownership CMD
 period of use EFAA
 purchase CMD
 rebates/commissions, accepting BBFB, DBD, EFAA
 reports, forms to be completed for inventory CMD
 responsibility for CMD, DG
 requisitioning and responsibility for CMD
 sale, disposal, or donation of CMD
 samples and publisher contracts EFAA
 selection of BBFB, DBD, EFA, EFAA, EHAA
 supplemental CMD, EFAA
 surplus CMD
 teaching plans EEP
 team EFAA
 instructional program (*See also* special programs)
 disciplinary alternative education program FOCA
 distance learning EHDE
 elective instruction EHAD
 evaluation of BQ, BQA, BQB, EHBD, GND
 extended instructional program EHDD, EHDE
 college course work EHDD
 honors courses EIC, EIF
 summer school EHDA
 travel study EHBM
 innovative and magnet programs EGA
 organization of instruction ED
 required instructional program
 all levels EHAA
 elementary EHAB
 secondary EHAC
 instructional resources
 community EFC, GKE, GKF
 field trips EFD, FMG
 interactive television EFF
 libraries/media centers EFB
 instructional support services
 guidance program EJ, FFE
 health services FFA
 library, audio-visual center EFB
 school-community guidance program FFC
 special education programs EHBA, EHBAA, EHBAB,
 EHBAC, EHBAD, EHBAE
 instructional television EFF
 insurance
 adjustor and carrier CR
 change of coverage CR
 Consolidated Omnibus Budget Reconciliation Act (CO-
 BRA) CRD
 deductions/reductions from salary CFEA
 enrollment information CRD
 fire CRA
 Health Insurance Portability and Accountability Act
 (HIPAA) CRD
 health, life, disability CRD
 liability CRB
 school property CRA
 student FFD
 tax-sheltered annuities CFEA, CRG
 TRS-Active Care CRD
 unemployment CRF

workers' compensation CRE, CV
 intellectual property rights CY
 intensive math and science program EHBC
 interdistrict relations EHBA, FDA
 interlocal agreements CH, GR, GRB
 interlocal cooperation contracts GR, GRB
 internal auditor CFC, DC
 international baccalaureate program EIC, EIF
 Internet
 broadcast board meetings BE
 posting BBFA, BE, CHE, CQA, DBD, DC
 use of, by board members BBI
 use of, by employees/students CQ, FNCE
 intern program DIA, GNC
 interrogations and searches DHE, FNF, GRA
 interruption of classes EC, GKA
 interscholastic activities/athletics FM, FMF
 Interstate Compact on Educational Opportunity for Military
 Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL,
 FM
 intoxicants BBC, BJCF, DFBA, DFBB, DFCA, DH, DI, FNCF,
 FNF, FOC, FOD, FOF, GKA
 intramural sports FMF
 inventories CFB
 investments, bond sales CDA
 investments of school funds CDA
 intrastate pipeline emergency response plan CS

- J -

job order contracts CVF
 JROTC program CG, EHAD, EIF
 junior colleges, high school credit program EHDD
 jurisdiction
 district, over students FO, FNC
 peace officers CKE
 jury duty DEC
 juvenile justice system FODA
 juvenile case manager, compulsory attendance FED
 juvenile residential facilities EEM
 juvenile service providers GRAC

- K -

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

- L -

labor organizations DGA, DGB
 land, sale of BAA, CDB, CDBA

language other than English EHAB, EHAC
 law enforcement
 agencies GRA
 district peace officers CKE
 officers on district property GKA
 reports from FL, GRA
 reports to/refer to DH, FFG, FNF, GRA
 vehicles CI
 lawful assembly, disruption of GKA
 lay-offs (RIF) DFCA, DFF
 learning disabilities EHB, EHBA, EHBA, EHBAB, EHBAC, EIE
 lease of real property by the district CX
 leasing and renting
 authority BAA, GKD
 buildings and grounds CDB, GKD
 buses CNA, CNB
 equipment and supplies CMB
 payments CDD, CX
 leaves and absences, employees
 assault (recuperative leave) DEC
 concurrent use of DEC
 continuation of health benefits CRD
 discretionary use of DEC
 extended DEC
 family and medical leave CRD, DEC, DECA, DECB
 funeral (bereavement) leave DEC
 infant care/child adoption DEC, DECA
 intermittent leave DEC, DECA
 mandatory court appearances/jury duty DEC
 maternity leave DEC, DECA
 military leave/reserve duty DEC, DECB
 nondiscretionary use of DEC
 on-the-job injury CRE, DEC
 paid/unpaid leave DEC
 payment for unused leave DEC
 personal illness DEC, DECA
 personal leave DEC
 professional development leave DEC
 professional meetings and visitations DMD
 qualifying exigency DECA
 sabbatical study/leave DEC
 state personal leave DEC
 state sick leave DEC
 temporary disability DEC
 leaving campus, students
 employment FEF
 illness FEC, FFAC
 lunch FEE
 medical appointment FEB
 parental permission FEB
 private lessons FEF
 legal services BDD
 LEP (See Limited English Proficiency)
 lesson plans EEP
 liability
 board members BBE, CRB
 for damage to school property FNCB
 insurance CRB
 school personnel CRB, DG, DH, FFAC, FFG, FOE
 volunteers GKG
 liaison
 children in conservatorship of state FFC
 court-related FFC
 homeless FFC
 libel FNA, GKDA
 library-media center
 materials, complaints EFA

professional resources EFB
 records and reports EFB
 selection of materials EFA
 life insurance CRD
 life skills programs EHAD
 Limited English Proficiency (LEP) EHBC, EHBE, EIE, EKB, EKBA
 limited open forum FNAB
 line and staff relations BKB
 line item transfers CE
 litigation expenses CRB
 lobbying (restrictions) CH, BBFB
 Local Government Records Act CPC, GBA, GBAA
 local government relations GRA
 local tax revenues CCG
 locker searches DHE, FNF
 loitering GKA
 loss control CK, CKA, CKB, CKC
 loyalty oath BBB
 LPAC (Language Proficiency Assessment Committee)
 EHBE, EIE, EKBA
 lunchroom maintenance CLB

- M -

McKinney-Vento Homeless Education Assistance Improve-
 ments Act of 2001 CNA, EHBD, FD, FDC, FFC
 mail service CPAB
 maintenance
 bus maintenance CNBA
 changes and alterations CLB
 makeup work for students EIAB
 manifestation determination (IDEA) EHBAD
 married students FND
 marshal, school CKE
 master teacher grants DEAA
 maternity leave DEC, DECA, FNE
 meal service CO, COB
 media and service centers (regional) GNB
 mediation (See complaints/grievances)
 Medicaid FLA
 medical examinations DBB, FFAA
 medical insurance CRD, FFD
 medical treatment FFAC
 Medicare CFEA
 medication FFAC
 meeting notice
 board of trustees BE
 budget CE
 closed (board) BEC
 tax rate hearing CCG
 meetings
 board (See school board meetings)
 budget CE
 campus-level committee BQB
 closed (board) BEC
 community use of school facilities GKD
 district-level committee BQA
 emergency/regular/special (board) BE
 faculty/staff DLA
 juvenile justice board FODA
 media coverage BE, BEE, GBBA
 public complaints GF
 special education (ARD/IEP) EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE

memorials CDC, CW
 mental health first aid immunity DGC
 mental health intervention FFB
 mental health promotion DMA
 mentoring EHBC, GKG
 metal detectors FNF, GKA
 microfilm CPC, GBAA
 migrant student EHBD, EI
 migratory child EEB, FD
 mileage reimbursement BBG, BJCA, DEE
 military
 dependents FD, FDD
 discharge records GBA
 instruction (JROTC) CG, EEL, EHAD, EIF
 leave CRD, DAA, DEC, DECA, DECB
 recruiters FL, GKC
 minerals, sale of BAA, CDB
 minimal nutritional value CO, FFA
 Minimum Foundation Program (See Foundation School Program)
 minimum high school program EIF
 minimum salary schedule DEA
 minimum teaching duties DL
 minutes of board meetings BDAA, BE, BEC
 mission statement, district AE
 mobile telephones FNCE
 modified duty DK
 mold damage remediation CL, CRB
 moment of silence EC
 moonlighting DBD, DEC, DECA
 moral turpitude BJCF, DFBB, DH
 moving costs reimbursement DEB
 multihazard emergency operations plan CKC
 municipal government GRA
 music program EHAD

- N -

name, changing district AB
 National Honor Society FG
 National School Boards Association BC
 National School Lunch Program COB
 neighborhood associations GKE
 neighborhood schools FC
 nepotism BBFB, CCH, DBE, DC, DK
 new facilities, naming/dedication CW
 new hire reporting DC
 news conferences and interviews GBBA
 news coverage
 board meetings BE, BEE, GBBA
 broadcasting and recording board meetings BE, BEC
 news media relations/news releases GBBA
 sports and special events GBBA
 newspaper, school distribution of FMA
 night school EHBI, FP
 noncertified personnel DBA, DC, DCD, DCE
 noncontract employment DC, DCD
 nondiscretionary personal leave DEC
 nondiscrimination CS, DAA, DAB, DAC, DIA, FB, FFH, GA
 noninstructional school activities FNAB
 nonprinted materials and services EFB
 nonprofit organizations FJ, GE, GKD
 nonpublic information GBA
 nonrenewal, term contract BJCF, DFBB, DFFB, DFD
 nonresident students FD, FDA

nonservice animals EMG
 nonschool employment DBD
 nonschool literature FNAA, GKDA
 No Pass, No Play FM
 note and bond payments CCA, CCF
 notice of position openings DC
 notice to newspaper GC
 notice to parents re uncertified substitutes DK, DPB, EHBD
 notice to SBEC BJCE, DF, DFAA, DFBA, DHB
 nursing mothers DGB

- O -

oath of office BBB
 objective criteria for personnel decisions DAC
 obscenity DH, FMA, FNCA
 observation days EHBK
 office management
 communications CPA
 computer technology BBI, CQ, CY
 mail delivery CPAB
 printing CPAA
 records and reports CPC
 telephone CPAC
 officer
 attendance FED
 board of trustees BDAA
 budget BJA, CE
 peace/police CKE
 death while on duty DEB
 public information (records) CPC, GBA
 public information coordinator GBAA
 records management CPC
 offsetting paid leave benefits CRE, DEC
 open campus FEE
 open enrollment FDB
 open-enrollment charter school AH
 open meetings BDB, BE, BED
 open records (See Public Information Chapter of Government Code)
 operations, maintenance CLB
 organization
 administrative BJA
 board of trustees BDAA
 line and staff relations BKB
 organization charts BKA
 organization of grade levels ED
 organizations
 booster clubs GE
 parent organizations GE
 personnel DGA, DGB
 relations with community GKE, GKF
 relations with educational entities GNA, GNB, GNC, GND
 relations with governmental entities GR, GRA, GRAA, GRAC
 student FM, FNAB, FNCC
 orientation/training
 board members BBD
 employees DMA
 substitutes DPB
 other schools and/or districts, relations with FD, FDA, GNA
 outside agencies, instructional contracts with EEL
 outside employment DBD, DEC, DECA
 overtime DEA, DEAB

- P -

paging devices FNCE
 paperwork reduction BAA, DLB, GND
 paraprofessional personnel
 certification DBA, EHBD
 dismissal DCD
 hiring DC, DCD
 reasonable assurance of re-employment CRF
 parent advisory committee BDF, BQA, BQB, EHAA, GE
 parent and family engagement
 campus-level planning committee BQB
 conferences EIA
 discipline management FNC, FO, FOC, FOCA, FOD,
 FODA, FOE
 district-level planning committee BQA
 school-parent compact EHBD
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAE
 wellness EHAA, FFA
 parent notification DK, DPB, EHBD
 parental rights (See also students: rights and responsibilities)
 access to board meetings BE, FNG
 access to instructional materials EF, EHAA, FNG
 access to student records FL
 consent to counseling of student FFE
 exempt student from instruction EHA, EHAA, FNG
 student placement FDB, FNG
 parenting and paternity awareness program EHAC
 parking controls CLC, FFFD
 parochial schools FD
 partial credit EI
 partnership, school/community GKE
 part-time employees CRD, DC, DCD, DEC, DPB
 pass/fail courses EHAD
 patents CY
 patriotic societies GKD
 payment procedures CHF
 payroll procedures
 salary deductions/reductions CFEA
 schedule CFE
 peace/police officers CKE, DEB
 pediculosis FEC, FFAA
 PEG (See public education grants)
 PEIMS (See Public Education Information Management System)
 performance bonds CV
 performance report AIB, BR, CQA, GND
 performances, student FME
 permits
 lunch FEE
 student work FEF
 teaching, issued by school district DBA
 visitors GKC
 persistently dangerous FDE
 personal graduation plan EIF
 personal leave DEC
 personal property
 disposal CI
 purchases CH
 personnel
 complaints DGBA
 conduct DH, DHE, DIA
 gifts and solicitations DBD, DHA
 involvement in decision making BQ, BQA, BQB

objective criteria DAC
 records
 confidential, access to BBE, DBA, FL, GBA, GBAA
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 custodian of DBA, FL, GBA, GBAA
 management officer CPC
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 personnel-student relations DH, DIA, FFH
 pest control program CLB, DI, FD
 petition for student transfer (See also Every Student Succeeds Act) FDA, FDAA, FDB, FDE
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 phones, cellular CPAC, FNCE
 physical education
 exemptions EHAC, EIF
 requirements EHAB, EHAC, EHAD, EIF
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 physical examination DBB, FFAA
 physical fitness assessment FFAA
 physical restraint, student FO, FOF
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 in alternative setting FOC
 of home-school students FD
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 placement review committee FOA, FOD
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 planning process BQ, BQA, BQB
 playgrounds CS
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 BF
 implementation through regulation BP, FN
 staff involvement BQA, BQB
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 politics, participation in DGA, DH
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 possession/use, alcohol and drugs DH, DHE, DI, FNCF,
 FOA, FOCA, FOD, FOE, FOF, GKA
 postings, required website CQA
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 power of attorney FD
 practice teaching GNC
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 pregnant employees DEC, DEAB
 pregnant students EHBC, FB, FNE
 prekindergarten EC, EEB, EHBC, EHBG
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principal's qualifications DP
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 professional conduct/ethics DH
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 board member BBD
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 professional leaves and absences DEC
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 dues CFEA
 participation in DGA, DGB
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 academic freedom EMA
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 appointment DC, DCA, DCB, DCC, DCD, DCE
 assignment DK
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 contract nonrenewal BJCF, DFBB
 contracts BJC, DCA, DCB, DCC, DCE
 dismissal BJCE, DCD, DCE, DF, DFAA, DFBA, DFCA,
 DFFA, DFFC
 employment practices DC, DCA, DCB, DCC, DCD, DCE
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 evaluation/appraisal BJCD, DN, DNA, DNB
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 financial ethics CAA, DBD
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 hiring BJB, DC, DCA, DCB, DCC, DCD, DCE
 leaves and absences DEC, DECA, DECB, DED
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 probationary contract DC, DCA, DFAA, DFAB, DFAC
 probationary status, return to DFAC
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continuing contracts DFFC
 financial exigency DFFA, DFFC
 program change DFFB
 resignation BJCG, DCD, DFE
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 rights and privileges DG, DGA, DGB, DGBA
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 staff development DMA, DMC, DMD
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 supplemental duty DEAA, DK
 suspension DFAA, DFBA, DFCA
 term contract DC, DCB, DFBA, DFBB
 termination DF, DFA, DFAA, DFAB, DFAC, DFB, DFBA,
 DFBB, DFC, DFCA, DFD, DFE, DFF, DFFA,
 DFFB, DFFC
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 professional services/outside sources CH, CV
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 EHBAD, EHBAE, EHBB, EHBC, EHBD, EHBE, EHBFI,
 EHBG, EHBH, EHBI, EHBK, EHBL, EHBM, EHBN
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 acquisition of sites CHG, CV
 board authority BAA
 care of school CLA, CLB, FNCB
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 equipment CMA, CMB, CMD
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 personal, sale of CI
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 protected health information (PHI) CRD, FL
 psychological services/testing EHBA, FFB, FFE, FFG
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 public access to school records BE, DBA, FL, GBAA
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 distribution CPAB, FMA, FNAA, GKDA
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 Public Education Information Management System (PEIMS)
 CQ
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Public Information Chapter of Government Code GBA, GBAA
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 Public Property Finance Act (PPFA) CCA, CHG
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 authority CH, CV
 best value method CH, CV
 bids and proposals CH, CVA, CVB
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 fuel CH
 inspections, quality control CHD
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 purchase orders and contracts CH, CHD
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qualifications
 board members BBA
 principal DP
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 qualifying exigency for FMLA DEC, DECA, DECB
 quantity purchasing
 consumable supplies CH, CHD
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 quorum, board meetings BBB, BE

- R -

racial discrimination, prohibition on DAA, DIA, FB, FFH
 raffles CDC, GKB
 reading academies DMA
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 real property
 appraiser CH
 authority of board BAA
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sale or exchange CDB
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 reasonable absence control CRE, DEC
 reasonable assurance of employment CRF, DCD, DCE
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 board members BBG
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 students FG
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 confidential information BBE, DBB, DHE, FFAD, FL, GBAA
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 custodian of records CPC, FL, GBA
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 special education EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE, EHBAB, FL
 records administrator defined BBFA
 records and reports
 attendance, student FE, FEA, FEB, FEC, FED, FEE, FEF
 budget CE, CFA
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 certificate of coursework completion EI, EIF
 discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA, FOE, FOF
 financial BBFA, CAA, DBD
 health appraisal FFAA
 immunizations FD, FFAB
 inventories CFB
 law enforcement BJA, DH, FL, GRA, GRAA
 leaves and absences DEC
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 progress reports to parents EIA
 quarterly investment CDA
 releasing student information BBE, FL, GBAA, GRAC
 retention and destruction CPC, FL, GBAA
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 records management functions
 officer for public information GBAA
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 records administrator BBFA, CHE, CPC
 records management officer CPC
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 recreational facilities bonds CCA, CCD
 recreation department relations GRA
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 financial exigency, due to DFF, DFFA, DFFC
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 Religious Freedom Restoration Act (RFRA) DAA, EMI, FB, GA
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 board members, from office BBC
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 to disciplinary alternative education programs FOC
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 buildings, grounds, and equipment CH, CLB, CV
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 district BQA, GND
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 board member information requests BBE
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 disciplinary alternative education program FO
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 financial CDA, CFA
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 SBEC, to DBAA, DF, DFE, DH, DHB
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 student discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA, FOE, FOF
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 all levels EHAA
 elementary EHAB
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 depository BDAE
 investments CDA
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 student enrollment FD, FDA
 superintendent BJC
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 retaliation CRE, DG, DIA, DGBA, FFH, FFI
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 rentals and service charges CDD
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 shop sales CDE
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 risk management CK, CKA, CKB, CKC, CKD, CKE
 rodeo safety training FM
 roth contribution programs CRG
 routine repairs CLB
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 administrative BP
 discipline management FNC, FO
 employee conduct/code of ethics DH
 Robert's Rules of Order BE
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- S -

safe schools FDE
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 accident prevention CKB
 buildings and grounds CLB, CLC
 crowd control GKA
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 student patrols FFFB
 student transportation CNA
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 salary incentives DEAA
 salary reduction DEA, DFFA
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 personnel DEA
 superintendent BJCA
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 real property CDB
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 savings program, school-based EHAD
 SBEC (See State Board for Educator Certification)
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 annual calendar EB
 before/after-school activities FM, FNAB
 block EEC, EED, EIA, FM
 budget planning CE
 daily school program EC
 employee duty DEA, DK, DL
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 salary DEA
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 year-round schools EB
 scholarships CDC, EIC, FG
 school assemblies EC
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 school attorney BDD
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 GKDA, GKE, GKF, GKG
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 planning and construction CS, CT, CV, CVA, CVB, CVC,
 CVD, CVE, CVF
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 EHAA, EHAC, FFA
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 school resource office (SRO) CKE
 school safety center BR, CK, CKC, CS
 school safety transfers FDE
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 communications disorders FFAA
 drug and alcohol DHE, FNF
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 employees DHE
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 secondary instruction, electives EHAD
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 Section 504 DAA, DIA, EHB, FB, FFH, FOF
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 audit, safety and security BEC, BR, CK, CKC
 bomb threat procedures CKC
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 campus security CKE, CLA
 civil defense CKC, GKD, GRA
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 disturbances, disorders, or demonstrations CKC, FNCL,
 GKA
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 FNCF, GKA
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 safety program CK, CKA, CKC, CKE
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 vandalism and burglary CLA, FNCB
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 service animals DAA, FBA
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 service center, regional education GNB
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 complaint procedures DGBA, DH, DIA, FFH, FNG, GF
 personnel DAA, DGBA, DH, DIA
 students FB, FFH, FNC, FNG
 Title IX DAA, DIA, FB, FFH
 sex education EFAA, EHAA
 sex offender registration CJA, DBAA, DF, GKC, GRAA
 sexting FFF
 sexual abuse BQ, DIA, FFG, FFH, FOC
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 SHAC (See school health advisory council)
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 EHBAC, EHBB, FFEA, FOCA, GNB
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 site-based decision making BQ, BQA, BQB
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 social services, student FFC, FFE
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 Southern Association of Colleges and Schools GNE
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 ARD committee EHBAB
 assistive technology EHBA
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 contracting for EEL
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 discipline FOF
 program requirements EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBABAE
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 staff development related to DMA
 transition plan EHBA, EHBAD, EIF
 transportation for CNA, CNB
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 special populations, student EHB, EHBA, EHBAA, EHBAB,
 EHBAC, EHBAD, EHBABAE, EHBB, EHBC, EHBD,
 EHBE, EHBF, EHBG, EHBH, EHBI, EHBK, EHBL,
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 adult education/community education EHBI
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 bilingual education/English as a second language EHBE
 career/technical education EHBK
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 disciplinary alternative education programs FOA, FOCA,
 FODA
 driver education EHAD
 dropout EHBC
 dyslexia EHB
 equivalency EHBL
 firearm safety EHAD
 gifted and talented students EHBB
 homebound instruction EEH, EHBA
 hunter education EHAD
 mental health intervention BQ, FFB
 prekindergarten EEB, EHBG
 remedial/compensatory instruction EHBC, EIE
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 Title I EHBD
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 construction plans and specifications CV, CVA, CVB,
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 educational facility specifications CS, CT
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SRO (*See* school resource officer)
 SSI (*See* Student Success Initiative)
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 campus-level planning and decision process BQB
 discipline management program BQ, FO
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 participation at board meetings BED
 policy development BF
 wellness program FFA
 orientation DMA, DPB
 participation in community activities DGA, GE
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 STAAR (*See* State of Texas Assessments of Academic
 Readiness)
 state aid
 eligibility determination CBA
 revenues CB, CBA
 special programs GND
 state education agency relations GND
 State Board for Educator Certification (SBEC) CJA, DBA,
 DBAA, DC, DF, DFE, DH, DHB, DK
 State of Texas Assessments of Academic Readiness
 (STAAR) EI, EIA, EIC, EKB, EKBA, FMH
 State School Boards Association BC
 state virtual school network EHDE
 "stay put" IDEA students EHBABAE
 steroids EHAA, FFAC, FNCF, FNF
 stipends DEAA
 Stored Wire and Electronic Communications and Transac-
 tional Records Access Act CQ
 strikes, employee DGA
 structural pest control CLB, DI, FD, GB
 students
 absences and excuses FEA, FEB, FEC
 academic freedom EMA, EMB, FNA
 accidents CK, CKB, FFAC
 activities FM, FMA, FMD, FME, FMG, FMH
 community-sponsored activities/contests FJ, FMF
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 equal access FM, FNAB
 extracurricular activities FM
 funds management CFD
 interscholastic activities/contests FMF
 organizations FNAB
 participation eligibility FM
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 student government FMB
 admission requirements FD
 alcohol/drug use or possession FNCF, FNF, FOC, FOD,
 FOF
 allergies FFAF
 arrests FL, GRA, GRAA
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 assemblies EC, FM
 assessment EIE, EK, EKB, EKBA, EKC, EKD, FD
 assignment to classes EHBA, EIE, FD, FDB
 assignment to schools FDA, FDB
 assistance and counseling programs FFB, FFE, FFEA
 attendance FEA, FEB, FEC, FED, FEE, FEF
 automobile use CLC, FFFD
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 clubs, gangs FNCC
 competency testing EIE, EKB, EKBA, EKC, EKD
 complaints FNG
 concussions FM
 conduct FO
 code of conduct FNC, FO
 extracurricular standards of behavior FM, FO
 on school buses FFFF
 violation FO, FOA, FOB, FOC, FOCA, FOD, FODA,
 FOE, FOF
 conferences, student/parent EIA
 consent to treatment FFAC
 contests and competitions FMF
 corporal punishment FO
 cyberbullying CQ, FFI
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 detention FO
 discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA,
 FOE, FOF
 dress code FNCA
 drug testing, extracurricular activities FNF
 due process FNG
 dyslexic EHB, EHBC, EKC, EL
 early graduation EI, EIC, EIF, FMH
 elections FMB
 emergency placement FOE
 employment EED, FEF
 equal educational opportunity FB
 exchange students FD
 expelled from another district FDA
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 foster care FD, FFC
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 health requirements/services FFA, FFAA, FFAB, FFAC,
 FFAD, FFAE, FFAF
 homeless EHBC, EHDC, FD, FDC, FFC
 immunizations FD, FDD, FFAB
 injury or sudden illness FFAC
 in residential facilities EHBA, EHBAC
 in conservatorship of DFPS EIF, FD
 insurance programs FFD
 interrogations FNF, GRA
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 juvenile justice system EEM, FODA
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 Medicaid FLA
 mental health intervention FFB
 nonresident FD, FDA
 organizations FM, FNAB, FNCC
 performances FME
 physical examinations FFAA
 placement in alternative settings FOA, FOC, FOE
 placement/withdrawal EIE, FD, FDD, FEA
 prayer EC, EMI, FMH, FN, FNA, FNAB
 pregnancy EHBC, FNE
 progress reports EIA
 promotion and retention EIE
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 publications FMA, FNAA
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 right to information and privacy BBE, EF, FL, GBAA
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 FOD, FOF
 code of conduct FO
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 demonstrations, disruptions, and strikes FNCI
 dress and grooming FNCA
 due process FNG, FOC, FOD, FOE, FOF
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 involvement in decision making FNB
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 FNCE
 pregnant students EHBC, FNE
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 FL, GBAA
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 special education EHBA, EHBA, EHBAB, EHBAC,
 EHBAD, EHBAB
 student government FMB
 tobacco use/smoking FNCD
 weapons FNCG, FOD
 safety FDE, FFF, FFFD
 safety patrols FFFB
 searches FNF
 by trained dogs FNF
 schedules EED
 school-age parents EHBC
 sexting FFF
 sexual abuse BQ, DIA, FFG, FFH
 sexual harassment DIA, FB, FFH, FNC
 smoking/tobacco use or possession FNCD
 social events FMD
 social media CQ
 social services FFB, FFC, FFE
 suicide prevention FFB
 surveys EF, FFAA
 suspension FM, FO, FOB
 transfer petition procedures FDA, FDB
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 transportation services
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hazardous routes CNA
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 maintenance and safety inspections CNC
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 weapons FNCG, FNCH, FOD, FOF
 welfare FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE, FFAF, FFB, FFC, FFD, FFE, FFEA, FFEB, FFF, FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI
 with disabilities (*See also* special education)
 confidentiality of records FL
 contracts for instruction EEL
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 part-time and temporary employment DPB
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 resignation DCD, DFE
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 suspension DCD
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 TEKS (Texas Essential Knowledge and Skills) EHAA, EIE
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 Texas Principal Evaluation and Support System (T-PESS)
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 TJJD (See Texas Juvenile Justice Department)
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UDCA (Unlicensed Diabetes Care Assistant) FFAF
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 personnel DED
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 coordination with paid leave benefits CRE, DEC
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yearbooks FMA
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DEFINITIONS

“District-level committee” means the committee established under Education Code 11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.

“Innovation plan committee” means a committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee may also serve in this role.

“Public hearing” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.

“Public meeting” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.

“Unacceptable academic performance rating” means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual.

“Unacceptable financial accountability rating” means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual.

19 TAC 102.1301

DISTRICT OF
INNOVATION

A district is eligible for designation as a district of innovation if the district's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

A board may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance. In the event the preliminary rating is changed, the board may then vote to become an innovation district.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the board or a petition signed by a majority of the members of the district-level committee [see BQA].

Education Code 12A.001; 19 TAC 102.1303

PUBLIC HEARING

After adopting a resolution or receiving a petition for consideration as a district of innovation, a board shall hold a public hearing as soon as possible, but not later than 30 days, to consider whether

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the district should develop a local innovation plan for the designation of the district as a district of innovation.

At the conclusion of the public hearing or within 30 days after conclusion of the public hearing, the board may decline to pursue designation of the district as a district of innovation or appoint a committee to develop a local innovation plan.

The board may outline the parameters around which the innovation plan committee may develop the plan.

Education Code 12A.002; 19 TAC 102.1305

LOCAL INNOVATION
PLAN

A local innovation plan meeting all legal requirements must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the district, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the district budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the board of trustees.

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Education Code 12A.004. [See EXCEPTIONS, below]

The commissioner of education shall maintain a list of provisions from which designated districts of innovation are exempt. The commissioner shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Education Code 12A.003, .004(b); 19 TAC 102.1305(d)

EXCEPTIONS

A local innovation plan may not provide for the exemption of a district from the following:

1. Education Code Chapter 11, Subchapters A (Accreditation), C (Board of Trustees), D (Powers and Duties of Board), and E

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(Superintendents and Principals), except that a district may be exempt from Sections 11.1511(b)(5) (district- and campus-level planning), 11.1511(b)(14) (board's role in termination and nonrenewal of educator contracts), and 11.162 (school uniforms);

2. State curriculum and graduation requirements adopted under Education Code Chapter 28; and
3. Academic and financial accountability and sanctions under Education Code Chapter 39.

Education Code 12A.004(a)

ADOPTION OF LOCAL
INNOVATION PLAN

The board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the district's website for at least 30 days;
2. The board has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

The board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

On adoption of a local innovation plan, the district is designated as a district of innovation for the term specified in the plan, but no longer than five calendar years, and shall begin operation in accordance with the plan. In addition, the district is exempt from state requirements identified under Education Code 12A.003(b)(2). [See LOCAL INNOVATION PLAN, above]

The district shall notify the commissioner of approval of the plan along with a list of approved exemptions by completing the agency's form provided at 19 Administrative Code 102.1307(d).

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

Education Code 12A.005; 19 TAC 102.1307

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TERM	<p>The term of a district's designation as a district of innovation may not exceed five years and is effective upon district approval and notification of the plan to the Texas Education Agency (TEA). A district may only have one innovation plan at any given time. <i>Education Code 12A.006; 19 TAC 102.1311</i></p>
AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL INNOVATION PLAN	<p>A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the board of trustees.</p> <p>An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed.</p> <p>A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year.</p> <p>During renewal, all sections of the plan and exemptions shall be reviewed and the district must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans.</p> <p>The district shall notify the commissioner of any actions taken along with the associated exemptions and local approval dates.</p> <p><i>Education Code 12A.007; 19 TAC 102.1313</i></p>
WEBSITE POSTING	<p>The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. <i>19 TAC 102.1305(e)</i></p>
TERMINATION BY COMMISSIONER DISCRETIONARY TERMINATION	<p>The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:</p> <ol style="list-style-type: none">1. A final unacceptable academic performance rating under Education Code 39.054;2. A final unacceptable financial accountability rating under Education Code 39.082; or3. A final unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year. <p>Instead of terminating a district's designation, the commissioner may permit the district to amend the local innovation plan to address concerns specified by the commissioner.</p> <p><i>Education Code 12A.008(a)–(b); 19 TAC 102.1315(a)</i></p>

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MANDATORY
TERMINATION

The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

Education Code 12A.008(c); 19 TAC 102.1315(b)

NO APPEAL

The commissioner's decision to terminate a district's designation as a district of innovation is final and may not be appealed. *Education Code 12A.008(d); 19 TAC 102.1315(d)*

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DUTIES AND REQUIREMENTS OF DEPOSITORY

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Note: Information regarding depository contracts for districts, including the forms referenced in this policy, is available at http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Depository_Contracts_for_School_Districts/.

SELECTION	A school depository must be a bank located in this state and may be selected only as provided by this policy. "Bank" means a bank, a savings and loan association, or a savings bank organized under the laws of this state, another state, or federal law that has its main office or a branch office in this state. The term does not include any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation (FDIC). <i>Education Code 45.201(2), .202, .203</i>
METHOD	Not later than the 60th day before the date a school district's current depository contract expires, the district shall choose whether to select a depository through competitive bidding or through requests for proposals. <i>Education Code 45.206(a)</i>
COMPETITIVE BIDDING NOTICE	If a district chooses to use competitive bidding, the district shall, not later than the 30th day before the date the current depository contract expires, mail to each bank in the district and, if desired, to other banks, a notice stating the time and place in which bid applications will be received for selecting a depository or depositories. The notice must include the uniform bid blank form prescribed by State Board of Education (SBOE) rule. The district may add to the uniform bid blank other terms that do not unfairly restrict competition between banks in or near the territory of the district. <i>Education Code 45.206(a-1), (b); 19 TAC 109.51(b), (c)</i>
REQUESTS FOR PROPOSALS NOTICE	If a district chooses to use requests for proposals, the district shall, not later than the 30th day before the date the current depository contract expires, mail to each bank located in the district and, if desired, to other banks, a notice stating the time and place in which proposals will be received for selecting a depository or depositories. The notice must include the uniform proposal blank form prescribed by SBOE rule. A district shall state the selection criteria, including the factors specified under Education Code 45.207(c) [see FACTORS TO CONSIDER, below], in the request for proposals. The district may add to the uniform proposal blank other terms that do not unfairly restrict competition between banks in or near the territory of the district. <i>Education Code 45.206(a-2), (b), (d); 19 TAC 109.51(b), (d)</i>
BEST VALUE	A district shall select the proposal that offers the best value to the district based on the evaluation and ranking of each submitted pro-

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posal in relation to the stated selection criteria. A district may negotiate with the bank that submits the highest-ranked proposal to determine any terms of the proposed depository contract other than the interest rates proposed. *Education Code 45.206(d)*

AWARD OF CONTRACT

A district shall award the depository contract to the bank that submits the highest bid or the highest-ranked proposal, as determined under FACTORS TO CONSIDER, below, except that the district may award the contract as provided at TIE BIDS AND PROPOSALS, below if:

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

Education Code 45.207(a)

FACTORS TO
CONSIDER

The board shall at a regular or special meeting consider each bid or proposal received. In determining the highest and best bid or the highest-ranked proposal, or in case of tying bids or proposals the highest and best tying bids or proposals, a board shall consider:

1. The interest rate bid or proposed on time deposits;
2. The charge for keeping district accounts, records, and reports and furnishing checks;
3. The ability of the bank submitting the bid or proposal to provide the necessary services and perform the duties as school district depository; and
4. Any other matter the board considers to be in the best interest of a district.

Education Code 45.207(c)

TIE BIDS AND
PROPOSALS

In the case of tying bids or proposals, a board may:

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

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2. Award a contract to each of the banks submitting the tying bids or proposals.

Education Code 45.207(a-1)

REJECTION OF BIDS
OR PROPOSALS

A board has the right to reject any and all bids or proposals. *Education Code 45.207(d)*

CONFLICT OF
INTEREST

If a member of the board is a stockholder, officer, director, or employee of a bank, the bank is not disqualified from bidding, submitting a proposal, or becoming the depository of the district if the bank is selected by a majority vote of the board or a majority vote of a quorum when only a quorum is present.

ABSTENTION

If a board member is a stockholder, officer, director, or employee of a bank that has bid or submitted a proposal to become the depository, the member may not vote on awarding a depository contract to the bank, and the contract must be awarded by a majority vote of the trustees as provided above who are not either a stockholder, officer, director, or employee of a bank receiving a depository contract.

Education Code 45.204

CONTRACT
TERM

The depository shall serve for a term of two years and until its successor is selected and has qualified. A district and its depository bank may agree to extend the contract for two additional two-year terms. The contract term and any extension must coincide with the district's fiscal year. An extension is not subject to the requirements of Education Code 45.206 [see METHOD, above]. *Education Code 45.205*

FORM

The depository or depositories and a district shall enter into a depository contract(s), bond(s), or other necessary instruments setting forth the duties and agreements pertaining to the depository in the form and with the content prescribed by the SBOE. The parties shall attach and incorporate by reference the bid or proposal of the depository. A copy of the contract and bond, if applicable, shall be filed with TEA. *Education Code 45.208(a), (e); 19 TAC 109.52*

AUTHORIZED
COLLATERAL
BOND

The depository shall attach to the contract and file with the district a bond in an initial amount equal to the estimated highest daily balance, determined by the board, of all deposits the district will have in the depository, less any FDIC insurance. The bond must be payable to the district and signed by the depository and some surety company authorized to do business in this state. The depository shall increase the amount of the bond if the board determines it to be necessary to adequately protect the funds of the district deposited with the depository. *Education Code 45.208(b)*

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BOND
CONDITIONS

The bond and surety must be approved by the board. A premium on the bond may not be paid out of district funds. *Education Code 45.208(d)*

The bond shall be conditioned on:

1. Faithful performance of all legal duties and obligations;
2. Payment on presentation of all checks or drafts on order of the board;
3. Payment on demand of any demand deposit;
4. Payment, after the expiration of the required notice period, of any time deposit;
5. Faithful keeping of school funds by the depository and accounting for the funds according to law; and
6. Faithful paying over to the successor depository all balances remaining in the accounts.

Education Code 45.208(c)

APPROVED
SECURITIES

In lieu of a bond, the depository may deposit or pledge, with the district or a designated trustee, approved securities, as defined in Education Code 45.201(4), in an amount sufficient to adequately protect the funds of the district deposited with the depository. A depository may give a bond and deposit or pledge approved securities in an aggregate amount sufficient to adequately protect the funds of the district. The district shall designate from time to time the amount to adequately protect the district. The district may not designate an amount less than the balance of school district funds on deposit with the depository from day to day, less any applicable FDIC insurance. *Education Code 45.208(f)*

In accordance with written board policy, a district shall determine if an investment security, as defined in Government Code 2257.002(5), is eligible to secure deposits of public funds under the Public Funds Collateral Act, Government Code, Chapter 2257. *Gov't Code 2257.023(a)*

"Eligible security" means:

1. A surety bond;
2. An investment security;
3. An ownership or beneficial interest in an investment security, other than an option contract to purchase or sell an investment security;

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4. A fixed-rate collateralized mortgage obligation that has an expected weighted average life of ten years or less and does not constitute a high-risk mortgage security;
5. A floating-rate collateralized mortgage obligation that does not constitute a high-risk mortgage security; or
6. A letter of credit issued by a federal home loan bank.

Gov't Code 2257.002(4)

The policy may include the security of the institution that obtains or holds an investment security, the substitution or release of an investment security, and the method by which an investment security used to secure a deposit of public funds is valued. *Gov't Code 2257.023(b)*

TEXAS BULLION
DEPOSITORY

The Texas Bullion Depository is established as an agency of this state in the office of the comptroller under Subtitle C, Title 10, Government Code. The depository may receive a deposit of bullion or specie from or on behalf of a district in accordance with rules adopted by the comptroller. *Gov't Code 2116.002(a), .005(a)*

An investment by a school district in a depository account may be made instead of an investment as provided by Education Code 45.102, and the depository may be used by a district instead of a depository bank for purposes of Subchapter G, Chapter 45, Education Code. *Gov't Code 2116.015(b)*

Note: The following is an index of periodic reports that are addressed in the legally referenced material of the policy manual. The list is not exhaustive. This list does not address responsive reports (those that are required in response to a specific incident), reports required under special circumstances, or all reports required under administrative procedures of an agency.

ELECTRONIC
SUBMISSION OF
REPORTS TO TEA

Notwithstanding any other law, a district shall submit only in electronic format all reports required to be submitted to TEA under the Education Code. *Education Code 7.060(c)*

REPORTS BY
DISTRICT

District publication and distribution requirements follow:

1. A written report to each parent of student performance, under Education Code 39.303. [See AIB]
2. At the beginning of the school year, a report to each teacher of students who took a state assessment, indicating whether each student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement, under Education Code 39.304. [See AIB]
3. At the beginning of the school year, a report to each student who took a state assessment, indicating whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement, under Education Code 39.304. [See AIB]
4. Annually, a report describing the educational performance of the district and of each campus in the district, under Education Code 39.306. [See AIB]
5. Annually, by August 8, a report to TEA of the district's ratings on community and student engagement and on compliance with statutory reporting and policy requirements, under Education Code 39.0545. The district shall make the ratings publicly available as provided by commissioner rule, 19 Administrative Code 61.1023. [See AIB]
6. Annually, information from a campus report card to the parent of each student at the campus, under Education Code 39.305. [See AIB]
7. An end-of year financial report, for distribution to the community under Education Code 11.1511(b)(11). [See BAA]

8. Annually, at the last regular meeting of the board held during a calendar year, the president shall announce the name of each board member who has completed the required training, who has exceeded the required hours of training, and who is deficient in the required training as of the date of the meeting; the president shall cause the minutes to reflect the information and shall make this information available to the local media, under 19 Administrative Code 61.1(j) and Education Code 11.159(b). [See BBD]
9. By September 1 of each year, a report to TEA regarding the number of requests submitted by a member of the board, during the preceding school year, for information, documents, and records and the total cost to the district of responding to such requests, under Education Code 11.1512(c)–(f). [See BBE]
10. The annual financial management report, under Education Code 39.083. [See CFA]
11. Annually, a proposed budget shall be submitted to TEA on or before the date established in the *Financial Accountability System Resource Guide*, under Education Code 44.005. [See CE]
12. On or before the date set by the State Board of Education, a report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA, under Education Code 44.007(c), (d). [See CFA]
13. Not later than the 150th day after the date the fiscal year ends, a board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district, under Local Government Code 140.006. [See CFA]
14. Not later than the 150th day after the end of the fiscal year for which an audit was made, a copy of the annual audit report shall be filed with TEA, under Education Code 44.008(d). [See CFC]
15. At least once every three years, a district shall conduct a safety and security audit of the district's facilities and report the results of the safety and security audit to the Texas School Safety Center, under Education Code 37.108. [See CK]
16. Not later than March 1 of each year, each district police department shall submit a report containing information about motor vehicle stops during the previous calendar year to the governing body of each county or municipality served by the

department, under Code of Criminal Procedure 2.134. [See CKE]

17. By September 1, districts involved in a school bus advertising program shall provide to the Texas Department of Public Safety written notification of the number of school buses operated by or for the district that display exterior advertising or another paid announcement, under 37 Administrative Code 14.65(a)(1), (b). [See CNB]
18. Annually, a district shall report to TEA the number of accidents in which its buses were involved in the past year, under Education Code 34.015(b). [See CNC]
19. By March 1 of each even-numbered year, a district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall report its compliance with the comparability requirements to TRS, under Education Code 22.004(d). [See CRD]
20. At least every two years, before the beginning of the school year and in strict compliance with the time frames established by Railroad Commission rule, a district shall report to its natural gas supplier the results of a pressure test of natural gas piping systems in each district facility, under Utilities Code 121.502–.504. [See CS]
21. Each month, a district that employs any retirees shall file a certified statement with TRS, under Government Code 824.6022. [See DC]
22. Before November 1 of each year, a board shall report to TEA the number of limited English proficient (LEP) students on each campus, under Education Code 29.053(b). [See EHBE]
23. Annually, a district that operates a high school equivalency program shall submit a progress report to TEA, under 19 Administrative Code 89.1417(a). [See EHBL]
24. Annually, a district shall report to TEA the number of students who have participated in a program to earn college credit in high school and the courses in which participating students have earned credit, under Education Code 28.009. [See EHDD]
25. A superintendent shall report the results of reading instruments to the commissioner of education and the board; a student's results, in writing, to the student's parent or guardian; and each student's raw score electronically to TEA, under Education Code 28.006(d). [See EKC]

REPORTS

BR
(LEGAL)

26. A district shall use the student attendance accounting standards established by the commissioner to make reports on student attendance and student participation in special programs, under 19 Administrative Code 129.1025. [See FEB]
27. A district shall compile the results of the annual physical fitness assessment of students and provide summary results to TEA, under Education Code 38.103. [See FFAA]
28. On or before June 30 of each year, a district shall submit to the Texas Department of State Health Services (TDSHS) a report on the vision and hearing screening status of students who were screened during the reporting year, under Health and Safety Code 36.006 and 25 Administrative Code 37.26(b)(6). [See FFAA]
29. On or before June 30 of each year, a district shall submit to TDSHS a report of spinal screening performed during the school year, under 25 Administrative Code 37.145(b)(5). [See FFAA]
30. A district located in Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, or 20 shall submit to the University of Texas—Pan American Border Health Office an annual report on its students' risk assessment status for Type 2 diabetes, under Health and Safety Code 95.004(e). [See FFAA]
31. Annually, a district shall submit a report of the immunization status of students to TDSHS, under Education Code 38.002(c) and 25 Administrative Code 97.71. [See FFAB]
32. Annually, a district shall report to the commissioner information regarding each placement in a disciplinary alternative education program (DAEP) and each expulsion, under Education Code 37.020. [See FO]
33. Not later than the 30th day after the contract is executed and again not later than the 30th day after the contract is terminated, a district shall report to the Office of Federal-State Relations any contract between the district and a federal-level government relations consultant, under Government Code 751.016. [See GR]

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	Gifts and Solicitations
CDD	Rentals and Service Charges
CDE	Shop Sales
CDF	Royalties
CDG	Gate Receipts, Concessions
CDH	Public and Private Facilities
CE	ANNUAL OPERATING BUDGET
CEA	Financial Exigency
CF	ACCOUNTING
CFA	Financial Reports and Statements
CFB	Inventories
CFC	Audits
CFD	Activity Funds Management
CFE	Payroll Procedures
CFEA	Salary Deductions and Reductions
CFF	Checking Accounts
CFG	Cash in School Buildings
CG	BONDED EMPLOYEES AND OFFICERS

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SECTION C: BUSINESS AND SUPPORT SERVICES

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

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SECTION C: BUSINESS AND SUPPORT SERVICES

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

OTHER REVENUES
GIFTS AND SOLICITATIONS

CDC
(LEGAL)

USE OF DONATED
PROPERTY

A conveyance, devise, or bequest of property for the benefit of the public schools, if not otherwise directed by the donor, vests the property in a board or their successors as trustees for those to be benefited by the donation. Funds or other property donated or the income from the property may be spent by the trustees:

1. For any purpose designated by the donor that is in keeping with the lawful purposes of the schools for the benefit of which the donation was made; or
2. For any legal purpose if a specific purpose is not designated by the donor.

Education Code 11.156

CHARITABLE RAFFLES

A district is not a "qualified nonprofit organization" for purposes of the Charitable Raffle Enabling Act and shall not sponsor or conduct raffles, i.e., award 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. *Occupations Code 2002.001 et seq.; Atty. Gen. Op. JM-1176 (1990)* [See also GKB]

OTHER REVENUES
GIFTS AND SOLICITATIONS

CDC
(LOCAL)

Note: For purposes of this policy, the terms “gift” and “donation” have the same meaning.

UNSOLICITED GIFTS
AUTHORITY TO
ACCEPT

The Board delegates to the Superintendent the authority to accept unsolicited gifts on behalf of the District. However, any gift that the potential donor has expressly made conditional upon the District’s use for a specified purpose, or any gift of real property, shall require Board approval.

Once accepted, a gift becomes the sole property of the District.

CRITERIA FOR
ACCEPTANCE

The District shall not accept any gift that would violate or conflict with policies of or actions by the Board or with federal or state law.

Before the Superintendent accepts a gift or recommends acceptance of a gift to the Board, as applicable, the Superintendent shall consider whether the gift:

1. Has a purpose consistent with the District’s educational philosophy, goals, and objectives;
2. Places any restrictions on a campus or District program;
3. Would support a program that the Board may be unable or unwilling to continue when the donation of funds is exhausted;
4. Would result in ancillary or ongoing costs for the District;
5. Requires employment of additional personnel;
6. Requires or implies the endorsement of a specific business or product [see GKB for advertising opportunities];
7. Would result in inequitable funding, equipment, or resources among District schools or programs;
8. Obligates the District or a campus to engage in specific actions; or
9. Affects the physical structure of a building or would require extensive maintenance on the part of the District.

SOLICITATIONS

An employee who solicits gifts on behalf of the District or for use in the fulfillment of his or her professional responsibilities shall comply with relevant state and federal law and any District administrative regulations.

All donations solicited on behalf of the District, including solicitations in the name of the District or a campus, or donations solicited using District or campus resources, become the sole property of the District.

OTHER REVENUES
GIFTS AND SOLICITATIONS

CDC
(LOCAL)

WEB-BASED
SOLICITATIONS

An employee may solicit web-based donations of money or items for use by the employee in fulfilling his or her professional responsibilities or for the District's use, including "crowdfunding." However, an employee shall obtain prior approval from the employee's supervisor before using the name or image of the District, a campus, or any student.

ACCOUNTING
AUDITS

CFC
(LEGAL)

ANNUAL AUDIT

The board shall have a district's fiscal accounts audited annually at district expense by a Texas certified or public accountant holding a permit from the State Board of Public Accountancy.

The audit shall be completed following the close of each fiscal year, and shall meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by a district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

AUDIT
REQUIREMENTS
AND PROCEDURES

A district must file with TEA an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide* (FASRG).

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

INDEPENDENT
AUDITOR

A district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);
2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:
 - a. Texas public school district environment; or
 - b. Public sector; or
 - c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

FINANCIAL
ACCOUNTABILITY
SYSTEM
RESOURCE GUIDE

The rules for financial accounting, including the selection of an auditor and the requirements for the audit, are described in the official TEA publication, *Financial Accountability System Resource Guide*, as amended, which is adopted as the SBOE's official rule. *19 TAC 109.41*

FILING OF REPORT

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board does not approve the audit report, it shall nevertheless file a copy of it with TEA, accompanied by a statement detailing its reasons for failing to approve the report. *Education Code 44.008(d)*

FINANCIAL RECORDS

Each treasurer receiving or having control of any school fund shall keep a full and separate itemized account of each of the different classes of school funds received, and these records shall be available to audit. *Education Code 44.008(c)*

FINANCIAL
ACCOUNTABILITY
RATING SYSTEM

TEA will assign a financial accountability rating to each district. The commissioner of education will evaluate the rating system every three years and may modify the system to improve the effectiveness of the rating system. *Education Code 39.082; 19 TAC 109.1001(b), (c)*

DATA REVIEWED

TEA will use the following sources of data in calculating the financial accountability indicators for school districts:

1. Audited financial data in a district's annual financial report, the audited annual report required by Education Code 44.008.
2. PEIMS data submitted by a district.
3. Warrant holds as reported by the comptroller.

4. The average daily attendance information used for foundation school program purposes for a district.

19 TAC 109.1001(d)

BASIS FOR RATING TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year. *19 TAC 109.1001(e)*

TYPES OF RATINGS The types of financial accountability ratings a district may receive are A for superior achievement, B for above standard achievement, C for standard achievement, and F for substandard achievement. A school district receiving territory due to an annexation order by the commissioner under Education Code 13.054, or consolidation under Education Code, Chapter 41, Subchapter H, will not receive a rating for two consecutive years beginning with the rating year that is based on financial data from the fiscal year in which the order of annexation becomes effective. After the second rating year, the receiving district will be subject to the financial accountability rating system.

The commissioner may lower a financial accountability rating based on the findings of an action conducted under Education Code, Chapter 39. A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(h)–(j)

ISSUANCE OF RATINGS TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report. Instead, the district will receive an F rating for substandard achievement.

If TEA receives an appeal of a preliminary rating under 19 Administrative Code 109.1001(l), TEA will issue a final rating to a district no later than 60 days after receiving the appeal. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of a preliminary rating.

19 TAC 109.1001(k)

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule. *19 TAC 109.1001(m)*

ANNUAL AUDIT OF
DROPOUT RECORDS

The commissioner shall develop a process for auditing district dropout records electronically. The commissioner shall also develop a system and standards for review of the audit or use systems already available at TEA. The system must be designed to identify districts that are at high risk of having inaccurate dropout records and that, as a result, require on-site monitoring of dropout records.

If the electronic audit of a district's dropout records indicates that the district is not at high risk of having inaccurate dropout records, the district may not be subject to on-site monitoring. If the risk-based system indicates that a district is at high risk of having inaccurate dropout records, the district is entitled to an opportunity to respond to the commissioner's determination before on-site monitoring may be conducted. A district must respond not later than the 30th day after the date the commissioner notifies the district of the commissioner's determination. If a district's response does not change the commissioner's determination that the district is at high risk of having inaccurate dropout records or if the district does not respond in a timely manner, the commissioner shall order TEA staff to conduct on-site monitoring.

Education Code 39.308(a)–(c)

CONTRACTED SERVICES

CJ
(LEGAL)

EMPLOYMENT
ASSISTANCE
PROHIBITED

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C. 7926 [See also DC]

CONTRACTED SERVICES

CJ
(LOCAL)

EMPLOYMENT
ASSISTANCE
PROHIBITED

No District employee shall assist a contractor or agent of the District or of any other school district in obtaining a new job if the employee knows, or has probable cause to believe, that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative file does not violate this prohibition.

No District contractor or agent shall assist an employee, contractor, or agent of the District or of any other school district in obtaining a new job if the contractor or agent knows, or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition.

[See also DC for prohibitions relating to employees]

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

Note: For provisions regarding selection and adoption of instructional materials, see EFSA.

INSTRUCTIONAL
MATERIALS

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's instructional materials allotment (IMA). All instructional materials, including electronic or online instructional material to the extent of any applicable licensing agreement, purchased in accordance with Education Code Chapter 31 for a district are the property of the district. *Education Code 31.001, .102(a)–(b); 19 TAC 66.1315(a), (c)*

DELEGATION OF
POWER

A board may delegate to an employee the power to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31. *Education Code 31.104(a)*

FUNDING

A school district is entitled to an allotment each biennium from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials fund to fund the allotment. The allotment shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Education Code 31.0212. The allotment allocated to a district is considered revenue and must be coded by the district in a manner required by TEA. *Education Code 31.0211(a); 19 TAC 66.1315(d)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount of funding to which the district will be entitled during the next fiscal biennium.

DELAYED
PUBLISHER
PAYMENT OPTION

A district may requisition and receive state-adopted instructional materials before IMA funds for those materials are available. The total cost of materials in the requisition may not exceed 80 percent of the district's expected IMA for the subsequent fiscal year.

When a district submits a requisition for instructional materials before IMA funds are available, TEA shall expend a district's existing IMA balance before applying the delayed payment option. TEA shall make payment for any remaining balance for a district's order as the IMA funds become available and shall prioritize payment for

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

requisitions over reimbursement of purchases made directly by a school district.

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline orders from individual districts. Government Code Chapter 2251 does not apply to requisitions under this provision.

Education Code 31.0215; 19 TAC 66.1327

NO APPEAL

The amount of the IMA determined by the commissioner is final and may not be appealed. *19 TAC 66.1307*

ALLOTMENT
ADJUSTMENT
CHANGE IN
ENROLLMENT

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

HIGH
ENROLLMENT
GROWTH

Each year the commissioner shall adjust the IMA of districts experiencing high enrollment growth. *Education Code 31.0214*

The commissioner's calculation for enrollment growth shall be adjusted automatically for each year of a biennium based on current Public Education Information Management System (PEIMS) enrollment data before the Educational Materials (EMAT) system opens each spring.

A district that experiences a minimum enrollment growth of ten percent over the previous five-year period for which the IMA amount is being determined is eligible to receive an adjustment to accommodate high-enrollment growth.

For each year in a biennium, a district that is experiencing a student population growth that is not reflected in the current state calculation may submit an application to be considered for additional funding if the district experienced:

1. A net increase of 3,500 students over the last five years; or

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

2. An unexpected enrollment growth due to unforeseen circumstances.

A district may request additional funding for its IMA for high enrollment once during each school year.

The amount of funding for high-enrollment growth shall be allocated based on available IMA funds.

19 TAC 66.1309

PERMITTED
EXPENDITURES

Funds allotted under this section may be used to purchase:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials, including workbooks;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
7. Supplemental instructional materials, as provided by Education Code 31.035;
8. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
9. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011; and
10. Technological equipment necessary to support the use of materials included on the list adopted by the commissioner or any instructional materials purchased with an allotment.

The funds can also be used to pay for training educational personnel directly involved in student learning in the appropriate use of instructional materials, providing access to technological equipment for instructional use, and the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

Education Code 31.0211(c); 19 TAC 66.1307(c)

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

PROHIBITED
EXPENDITURES

IMA funds may not be used to purchase:

1. Services for installation;
2. The physical conduit that transmits data such as cabling and wiring or electricity;
3. Office and school supplies; or
4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment.

IMA funds may not be used to pay for travel expenses or equipment used at a warehouse for the purpose of moving, storing, or taking inventory of instructional materials.

19 TAC 66.1307(d)

ORDER OF
PURCHASE

Each biennium a district shall use the district's allotment to purchase, in the following order:

1. Instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level.
2. Any other instructional materials or technological equipment as determined by the district.

Education Code 31.0211(d)

CERTIFICATION OF
ALLOTMENT USE

Each district shall annually certify to the commissioner that the district's IMA has been used only for permitted expenses. *Education Code 31.0213*

INSTRUCTIONAL
MATERIALS ACCOUNT

The commissioner shall maintain an instructional materials account for each district. In the first year of each biennium, the commissioner shall deposit the district's IMA in the account. The commissioner shall pay the cost of instructional materials requisitioned by a school district under Education Code 31.103 using funds from the district's instructional materials account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials account during each state fiscal biennium remains in the account and available

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for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

ONLINE REQUISITION
SYSTEM (EMAT)

The commissioner shall maintain an online requisition system (EMAT) for districts to requisition instructional materials to be purchased with the district's IMA. *Education Code 31.101(f)*

LOCAL FUNDS

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

REQUISITIONS, USE,
AND DISTRIBUTION

A district shall make a requisition for instructional materials using the online requisition program (EMAT) maintained by the commissioner not later than June 1 of each year. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

DURATION OF
SELECTION

Once instructional materials have been selected, the district must use the material for the length of time described by Education Code 31.101. *Education Code 31.101* [See EFAA]

VALUE

Current instructional materials in a district's inventory are considered assets and a value must be determined by the district. *19 TAC 66.1315(e)*

DISTRIBUTION

The board shall distribute or provide access to instructional materials to students as it may deem most effective and economical. *Education Code 31.102(c); 19 TAC 66.1315(f)*

SUPPLEMENTAL
INSTRUCTIONAL
MATERIALS

A school district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the SBOE instructional materials list that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

AVAILABILITY OF
OPEN-SOURCE
INSTRUCTIONAL
MATERIALS

A district that selects open-source instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district or school provides to each student:

1. Electronic access to the instructional material at no cost to the student; or

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2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

REIMBURSEMENTS OF
IMA EXPENDITURES

A district may be reimbursed for allowable IMA expenditures. Reimbursements shall be funded through a district's IMA as funds become available.

A district may receive a reimbursement only if the district:

1. Submits a request through the EMAT system;
2. Has a zero IMA balance or the cost of an allowable product or service is more than the district's available IMA balance at the time the request is submitted; and
3. Has received approval from TEA through the EMAT system.

TEA shall establish a reimbursement process for school districts and open-enrollment charter schools.

19 TAC 66.1325

EMPLOYEE TRAINING

A board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the IMA and the use of the instructional materials ordering system (EMAT). Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

SPECIALIZED
INSTRUCTIONAL
MATERIAL FORMATS

"Specialized instructional material format" means any form of published material converted into an alternative medium that is exclusively for use by persons who are blind or with other disabilities, as authorized by the Vocational-Rehabilitation Act and the Americans with Disabilities Act. *19 TAC 66.1301(10)*

All laws and rules applying to instructional materials provided to students with no visual impairments that do not conflict with Education Code 31.028 apply to the distribution and control of specialized instructional material formats, including but not limited to the following:

1. A requisition for special instructional materials shall be based on actual student enrollment to meet individual student needs.
2. Each district shall conduct an annual physical inventory of all currently adopted accessible instructional materials that have been requisitioned by and delivered to the district. The results

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of the inventory shall be recorded in the district's files and made available to TEA upon request.

Reimbursement and/or replacement shall be made for all volumes of specialized instructional material formats determined to be lost.

FOR TEACHERS

Adopted instructional materials needed by a teacher who is blind or visually impaired shall be furnished in a specialized format by the state without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed. Materials in the medium needed by the teacher may be requisitioned by an instructional materials coordinator after the superintendent has certified the following to the commissioner:

1. The name of the teacher;
2. The grade or subject taught; and
3. The fact of the teacher's visual impairment.

FOR STUDENTS

Non-adopted instructional materials purchased by a district shall be made available and provided in the specified format needed to students who are blind and visually impaired at the district's expense.

FOR PARENTS

Adopted instructional materials in a specialized format that are requested by a parent who is blind or visually impaired shall be furnished without cost by the state. Materials in the medium needed by the parent may be requisitioned by an instructional materials coordinator. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws. All specialized instructional material formats and electronic files with educational content that have been provided to parents who are blind or visually impaired must be returned to the local school district at the end of the school year for reuse.

19 TAC 66.1311, .1319(e)

BILINGUAL
INSTRUCTIONAL
MATERIALS

A district shall purchase with the district's IMA or otherwise acquire instructional materials for use in bilingual education classes. The calculation used for adjusting the IMA for bilingual education student enrollment is based on actual bilingual enrollment. The calculation shall take into account funds used for TEA administrative purposes and juvenile justice alternative education programs and include adjustments for bilingual education student enrollment and high-enrollment growth. *Education Code 31.029; 19 TAC 66.1313*

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CERTIFICATION OF
INSTRUCTIONAL
MATERIALS

Prior to the beginning of each school year, each district shall certify to the commissioner in a format approved by the commissioner that, for each subject in the foundation and enrichment curriculum other than physical education, and each grade level, the district provides each student instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider both state- and commissioner-adopted instructional materials and non-adopted instructional materials, including:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open-source instructional materials submitted by eligible institutions and adopted by the SBOE;
4. Open-source instructional materials made available by other public schools; and
5. Instructional materials developed or purchased by the district.

Upon request by the commissioner, the certification shall include supporting documentation describing the instructional materials on which the certification is based.

The certifications shall be ratified by the board in a public meeting.

A district may not submit a requisition or request for disbursement through the EMAT system for the next school year until the required annual certification has been received by the commissioner for the current school year.

Education Code 31.004; 19 TAC 66.1305

OWNERSHIP

A student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school, unless the instructional material is open-source instructional material that a district does not intend to use for another student. The printed copy of the open-source instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open-source instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

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RESPONSIBILITY FOR
INSTRUCTIONAL
MATERIALS AND
EQUIPMENT

Each student or his or her parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

The board may not require an employee of the district to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] A district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition and payment is not made, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

These provisions do not apply to an electronic copy of open-source instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c), .1319(d)
[See also EF]

ACCEPTABLE
CONDITION

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by other students; and
2. All components of the instructional materials are not soiled, torn, or damaged—whether intentionally or by lack of appropriate care—such that any portion of the content is too disfigured or obscured to be fully accessible to other students.

19 TAC 66.1201

Electronic instructional materials are considered to be in acceptable condition if:

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1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic instructional materials do not contain computer code (bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
3. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the school district.

19 TAC 66.1203

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment has been cared for appropriately such that the equipment is not broken or damaged beyond cost-effective replacement or repair.

19 TAC 66.1205

LOST, DAMAGED,
OR WORN OUT
INSTRUCTIONAL
MATERIALS

Each district is fiscally responsible for lost, damaged, or worn out instructional materials.

A district may use the IMA or other available funds to replace lost, damaged, or worn out instructional materials.

Worn out or damaged instructional materials must be declared by the district as unsuitable for student use and the district must document the method of disposal.

A district declaring worn out instructional materials must follow the commissioner-approved standards for worn out instructional materials.

Recycling funds received from the disposal of worn out instructional materials must be:

1. Reported to TEA through procedures established by the commissioner; and
2. Used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

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A district must adjust its inventory for lost, damaged, or worn out instructional materials and replacements through the EMAT system and document all transactions in the district annual inventory.

19 TAC 66.1321

SALE OR DISPOSAL	A board must notify TEA of its intent to sell or dispose of instructional materials or technological equipment by a process established by the commissioner.
SALE AFTER DISCONTINUED FOR USE	A board may sell any printed or electronic instructional materials purchased with the district's IMA on the date the instructional material is discontinued for use in the public schools. The board may only sell or dispose of online or electronic instructional materials in compliance with the terms of any applicable licensing agreement.
TECHNOLOGICAL EQUIPMENT	A board may sell technological equipment owned by the district that was purchased with the district's IMA.
REPORT TO COMMISSIONER	A board must report to the commissioner the amount of funds to be received from the sale of the instructional materials and technological equipment, identify the purchaser, and identify the instructional materials and/or technological equipment to be sold.
USE OF PROCEEDS OF SALE	Funds received by a district from a sale of instructional materials or technological equipment purchased with the IMA must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211. The board must certify to the commissioner that the new instructional materials acquired from the sale of discontinued instructional materials will cover the Texas essential knowledge and skills and be made available to students and/or teachers.
DISPOSAL	<p>A board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed.</p> <p>A board shall determine how the district will dispose of discontinued printed instructional materials and technological equipment and must notify the commissioner prior to the disposal of any instructional materials, identifying the instructional materials to be disposed and the method of disposal.</p> <p><i>Education Code 31.105; 19 TAC 66.1317</i></p>
ANNUAL INVENTORY	<p>A district shall conduct an annual physical inventory of:</p> <ol style="list-style-type: none">1. All currently adopted instructional materials that have been requisitioned by and delivered to the district;

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2. All non-adopted instructional materials purchased with funds from the IMA; and
3. All technological equipment purchased with funds from the IMA.

The results of the inventory shall be recorded in a district's files and in the EMAT system.

19 TAC 66.107(a), .1319(a)

LOCAL HANDLING
EXPENSES

School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

REQUIRED INTERNET
POSTINGS

A district that maintains an Internet website shall post the following:

1. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
2. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
3. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
4. Not later than August 8 of each year, a district shall post the locally determined performance ratings and compliance status for the district and each campus under 19 Administrative Code 61.1023(h). [See AIB]
5. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]
6. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39.106(e-1). [See AIC]
7. A district shall post an election notice required under Election Code 85.007. [See BBB]
8. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or

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- member of a board under Election Code 254.04011. [See BBBA]
9. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
 10. A district shall post the statements regarding activities to support student health under Education Code 28.004. [See BDF]
 11. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]
 12. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]
 13. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
 14. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]
 15. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
 16. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]
 17. A district shall continuously post its annual financial report under Local Government Code 140.008 on its website until the district posts the next annual report, or, as an alternative, the district may post a link to the comptroller's website where the district's financial information may be viewed. [See CFA]
 18. A district shall continuously post on its website the contact information for the district's main office, including the physical address, the mailing address, the main telephone number, and an e-mail address, under Local Government Code 140.008(f)(2). [See CFA]
 19. A district shall report its energy usage information on a publicly accessible Internet website with an interface designed for

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ease of navigation, if available, under Government Code 2265.001. [See CL]

20. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]
21. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
22. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112.
23. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]
24. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]
25. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]
26. A district shall post information regarding local programs and services, including charitable programs and services, available to assist homeless students, under Education Code 33.906. [See FDC]
27. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]
28. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

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OPTIONAL INTERNET
POSTINGS

A district that maintains an Internet website may post the following:

1. A board may broadcast an open meeting over the Internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(o). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's Internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district may place on its Internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

"GEOSPATIAL DATA
PRODUCTS"

"Geospatial data product" means a document, computer file, or Internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

NOTICE

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data

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product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an Internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

EXEMPTION

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

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NOTICE TO PARENTS
TEACHER
QUALIFICATIONS

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a 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 student's teacher:
 - a. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; and
 - c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

20 U.S.C. 6312(e)(1)(A)

FEDERALLY
REQUIRED NOTICE
WHEN TEACHER
LACKS
CREDENTIALS

A school that receives such federal funds shall also provide to each individual parent of a child who is a student in such school, with respect to such student, timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

20 U.S.C. 6312(e)(1)(B)(ii)

STATE-REQUIRED
NOTICE WHEN
TEACHER LACKS
CREDENTIALS

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

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

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information relating to teacher certification available to the public on request.

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

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

Education Code 21.057; 19 TAC 231.1

PROFESSIONAL
PERSONNEL
CERTIFICATE

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a district unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person’s certificate for filing with a district before the person’s contract with a board is binding.

A person employed by a district as an educational diagnostician before September 1, 2008, may continue employment with the district without obtaining a certificate or permit as an educational diagnostician so long as the person is employed by that district.

A person is not required to hold a certificate under Education Code 21.0487 to be employed by a district as a Junior Reserve Officer Training Corps instructor.

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

Education Code 21.003(a), .0487(d), .053(a)–(b)

LICENSE

A person may not be employed by a district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional

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counselor, marriage and family therapist, 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 a district only if the person holds the appropriate credentials from the appropriate state agency.

A person employed by a district before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the district.

Education Code 21.003(b)

SCHOOL DISTRICT
TEACHING PERMIT

A district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. To be eligible for a school district teaching permit, a person must hold a baccalaureate degree. *Education Code 21.055(a)–(b)*

STATEMENT TO
COMMISSIONER

Promptly after employing a person under a school district permit, a district shall 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 a 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, a 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.

Education Code 21.055(c)–(d)

NONCORE CAREER
AND TECHNICAL
COURSES

The following requirements do not apply to a person who will teach only noncore academic career and technical education courses:

1. The requirement to hold a baccalaureate degree;
2. The requirement that the district send a written statement to the commissioner identifying the person, the person's qualifications as a teacher, and the subject or class the person will teach; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

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3. The requirement that the commissioner inform the district in writing if the commissioner finds the person to be not qualified to teach.

A board may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught.

The superintendent shall certify to the board that a new employee has undergone a criminal background check and is capable of proper classroom management. A district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board.

A person may teach a career and technical education course immediately upon issuance of a permit. Promptly after employing a person who qualifies under Education Code 21.055(d-1), the board shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

Education Code 21.055(d-1)

DURATION OF
PERMIT

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. *Education Code 21.055(e)*

CERTIFICATION OF
PARAPROFESSIONAL
EMPLOYEES

Educational aides shall be certified according to standards established by the State Board for Educator Certification. *19 TAC 230.51*

FEDERAL
REQUIREMENTS FOR
TEACHERS AND PARA-
PROFESSIONALS

Teachers and paraprofessionals working in a program supported with funds under Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) shall meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *20 U.S.C. 6311(g)(2)(J), 6312(c)(6)*

The state's professional standards for paraprofessionals working in a program supported with Title I funds must include qualifications

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

DBA
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that were in place under former 20 U.S.C. 6319, as that section existed before December 10, 2015. *20 U.S.C. 6311(g)(2)(M)*

QUALIFICATIONS
BEFORE
DECEMBER 10, 2015

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

DUTIES

1. Be assigned only duties consistent with the following:
 - a. A paraprofessional may be assigned to:
 - (1) Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
 - (2) Assist with classroom management, such as organizing instructional and other materials;
 - (3) Provide assistance in a computer laboratory;
 - (4) Conduct parental involvement activities;
 - (5) Provide support in a library or media center;
 - (6) Act as a translator; or
 - (7) Provide instructional services to students in accordance with items (b) and (c).
 - b. A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with this section; and
 - c. A paraprofessional may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

HIGH SCHOOL
DIPLOMA

2. Regardless of a paraprofessional's 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 two years of study at an institution of higher education;
 - b. Obtained an associate's (or higher) degree; or

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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- c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:
 - (1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 - (2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

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

EXCEPTIONS

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

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

Former 20 U.S.C. 6319 in effect before Dec. 10, 2015

FEDERAL
REQUIREMENTS FOR
SPECIAL EDUCATION
TEACHERS

Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school must:

- 1. Have obtained full state certification as a special education teacher [including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 C.F.R. 2005.56(a)(2)(ii) as in effect November 28, 2008], or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher;
- 2. Have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
- 3. Hold at least a bachelor's degree.

20 U.S.C. 1412(a)(14)(C)

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 Associa-

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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DBA
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tion, or another organization that provides equivalent training and certification. A 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*

AED CERTIFICATION

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheer-leading coach, and any other employee specified by the commissioner must receive and maintain certification in the use of an automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association. *Education Code 22.902* [See DMA]

SCHOOL BUS
DRIVERS
CREDENTIALS

For purposes of the following provisions, a "school bus driver" is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. *37 TAC 14.1* [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.
2. Possess a valid driver's license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer's designed passenger capacity of the vehicle to be operated.
3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB]
4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.
5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]
6. Possess a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Transp. Code 521.022; 37 TAC 14.11, .12, .14

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

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(LEGAL)

PRE-EMPLOYMENT
INQUIRIES

An applicant for employment as a school bus driver must disclose to the district:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;
2. Any serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and
3. Any suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

The district shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the district must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The district shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

ANNUAL
EVALUATION

A district shall, at least once every 12 months, make an inquiry into the complete driving record of each school bus driver it employs, with DPS and with any state in which the individual held a motor vehicle operator's license or permit during that time period. The district shall review the driving record to determine whether the individual meets the minimum requirements described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements). *Transp. Code 521.022(d); 37 TAC 14.14(c)*

DISQUALIFICATION

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the district of the contents of the notice before the end of the business day following the day the driver received it. A district shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus. *37 TAC 14.14(g)*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

DBA
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EMPLOYEE RECORDS	The following records on professional personnel must be readily available for review by the commissioner:
PROFESSIONAL EMPLOYEES	<ol style="list-style-type: none">1. Credentials (certificate or license);2. Service record(s) and any attachments;3. Contract;4. Teaching schedule or other assignment record; and5. Absence from duty reports.
SERVICE RECORD	<p>The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.</p> <p>The service record must be validated by a person designated by a district to sign service records. The service record shall be kept on file at the district.</p>
FORMER EMPLOYEES	<p>On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a district that previously employed the individual shall provide a copy of the individual's service record to the district employing the individual. The district must provide the copy not later than the 30th day after the later of:</p> <ol style="list-style-type: none">1. The date the request is made; or2. The date of the last day of the individual's service to the district. <p>The original service record, signed by the employee, shall be given to the employee upon request or sent to the next employing district. A district must maintain a legible copy for audit purposes. A scanned version of the original service record may be considered official if sent directly from one employing district to another employing district.</p> <p><i>Education Code 21.4031; 19 TAC 153.1021(b), (d)</i></p>
ACCESS TO EMPLOYEE RECORDS	<p>With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Law. <i>Gov't Code Ch. 552</i> [See GBA]</p>

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

DBA
(LEGAL)

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

Except as provided below, an employee of a district shall choose whether to allow public access to information in the district's custody that relates to the employee's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024, .102(a)

The social security number of an employee of a district in the custody of the district is confidential. A district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number. *Gov't Code 552.024(a-1), .147(a-1)*

EMPLOYEE
RIGHT OF
ACCESS

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

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

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

Gov't Code 552.023, .102(a), .307

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

RESTRICTION ON
PUBLIC SERVANTS —
PENAL CODE

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

BRIBERY

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

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

Penal Code 36.01(3), .02

ILLEGAL GIFTS

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

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

EXCEPTIONS

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

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

Penal Code 36.10

HONORARIA AND
EXPENSES

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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the extent those services are more than merely perfunctory.
Penal Code 36.07

ABUSE OF PUBLIC
EMPLOYMENT

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

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

"Misuse" means to deal with property contrary to:

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

Penal Code 39.01(2)

INSTRUCTIONAL
MATERIALS
VIOLATIONS —
COMMISSIONS

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

INSTRUCTIONAL
MATERIALS
VIOLATIONS —
CONFLICT

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

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

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

Education Code 31.152(b)–(d)

INSTRUCTIONAL
MATERIALS
VIOLATIONS —
PURCHASE AND
DISTRIBUTION

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

HOLDING CIVIL
OFFICE

No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. *Tex. Const., Art. XVI, Sec. 40(a)*

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

Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of school districts (other than those in which they are employed), cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodies, except that a schoolteacher, retired schoolteacher, or retired school administrator may receive compensation for serving as a member of a governing body of a school district, city, town, or local governmental district, including a water district created under Section 59, Article XVI, or Section 52, Article III. *Tex. Const., Art. XVI, Sec. 40(b)*

CONFLICTS
DISCLOSURE
STATEMENT

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

BUSINESS
RELATIONSHIP

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:
 - a. A contract between the district and the vendor has been executed; or

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
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	<ul style="list-style-type: none">b. The district is considering entering into a contract with the vendor;
GIFT(S)	<ul style="list-style-type: none">2. Has given to the local government officer or a family member of the officer one or more gifts, as defined by law, and the gift or gifts have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:<ul style="list-style-type: none">a. A contract between the district and the vendor has been executed; orb. The district is considering entering into a contract with the vendor; or
FAMILY RELATIONSHIP	<ul style="list-style-type: none">3. Has a family relationship with the local government officer. <p>A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is a political contribution as defined by Title 15, Election Code, or food accepted as a guest.</p> <p><i>Local Gov't Code 176.003(a)–(a-1)</i></p>
DEFINITIONS	<p>“Local government officer” means a member of the board; the superintendent; or an agent (including an employee) of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. <i>Local Gov't Code 176.001(1), (4)</i></p> <p>“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. <i>Local Gov't Code 176.001(2-b)</i></p> <hr/> <p>Note: For additional provisions and definitions relating to conflict disclosure statements, see BBFA(LEGAL).</p> <hr/>
PERSONAL SERVICES PERFORMED BY SUPERINTENDENT	<p>A superintendent of a school district may not receive any financial benefit for personal services performed by the superintendent for any business entity that conducts or solicits business with the district. Any financial benefit received by a superintendent for performing personal services for any other entity, including a school district, open-enrollment charter school, regional education service center, or public or private institution of higher education, must be approved by the board on a case-by-case basis in an open meeting. The receipt of reimbursement for a reasonable expense is not considered a financial benefit. <i>Education Code 11.201(e)</i></p>

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

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

EMPLOYMENT PRACTICES

DC
(LEGAL)

EMPLOYMENT POLICIES	A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:
SUPERINTENDENT	1. A board employs and evaluates the superintendent;
SELECTION OF PERSONNEL	2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see SUPERINTENDENT RECOMMENDATION, below];
CAMPUS ASSIGNMENTS	3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
JOB POSTINGS	4. Notice will be provided of vacant positions [see POSTING OF VACANCIES, below]; and
EMPLOYEE GRIEVANCES	5. Each employee has the right to present grievances to the board. [See GRIEVANCES, below]
	<i>Education Code 11.1513</i>
TAX IDENTIFIER	A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see SOCIAL SECURITY NUMBERS, below]. <i>Education Code 11.1514</i>
CONTRACT POSITIONS	A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. <i>Education Code 21.002(c)</i>
DELEGATION OF AUTHORITY	A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. <i>Education Code 11.1513(c)</i> [For nepotism implications, see BBFB and DBE]
INTERNAL AUDITOR	If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. <i>Education Code 11.170</i>
SUPERINTENDENT RECOMMENDATION	A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. <i>Education Code 11.1513(b)</i>

EMPLOYMENT PRACTICES

DC
(LEGAL)

POSTING OF
VACANCIES

A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
 - a. A bulletin board at:
 - (1) A place convenient to the public in the district's central administrative office, and
 - (2) The central administrative office of each campus during any time the office is open; or
 - b. The district's Internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

EXCEPTION

If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

GRIEVANCES

A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

TRANSFERS

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

EMPLOYMENT PRACTICES

DC
(LEGAL)

CONTRACT EMPLOYEES	A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. <i>Education Code 21.002</i>
CLASSROOM TEACHER	“Classroom teacher” means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher’s aide or a full-time administrator. <i>Education Code 5.001(2)</i>
LENGTH OF CONTRACT	A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. The commissioner of education may reduce the number of days of service, but such a reduction by the commissioner does not reduce an educator’s salary. <i>Education Code 21.401</i>
EDUCATIONAL AIDES	A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. <i>Education Code 54.363(f)</i>
EMPLOYMENT OF RETIREES	<p>A district shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. A district shall inform TRS of changes in status of the district that affect the district’s reporting responsibilities.</p> <p>The certified statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of a district.</p> <p>An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.</p> <p><i>Gov’t Code 824.6022, 825.403(k); 34 TAC 31.2</i></p>
FORMER BOARD MEMBER EMPLOYMENT	A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member’s membership on a board ends. <i>Education Code 11.063</i>
NEW HIRES I-9 FORMS	A district shall ensure that an employee properly completes section 1—“Employee Information and Verification”—on Form I-9 at the time of hire.

EMPLOYMENT PRACTICES

DC
(LEGAL)

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire.

A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.

When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

NEW HIRE
REPORTING

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

DEADLINE

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

EMPLOYMENT PRACTICES

DC
(LEGAL)

PENALTIES	<p>A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.</p> <p><i>42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I</i></p>
SOCIAL SECURITY NUMBERS	<p>A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. <i>Education Code 11.1514</i></p>
FEDERAL LAW	<p>A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.</p>
EXCEPTIONS	<p>The federal law does not apply to:</p> <ol style="list-style-type: none">1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.
STATEMENT OF USES	<p>A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.</p> <p><i>Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)</i></p>
EMPLOYMENT ASSISTANCE PROHIBITED	<p>A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.</p> <p>This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement</p>

EMPLOYMENT PRACTICES

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(LEGAL)

agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also CJ]

EMPLOYMENT PRACTICES

DC
(LOCAL)

PERSONNEL DUTIES	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
POSTING VACANCIES	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.
APPLICATIONS	<p>All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.</p> <p>[For information related to the evaluation of criminal history records, see DBAA.]</p>
EMPLOYMENT OF CONTRACTUAL PERSONNEL	<p>The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel.</p> <p>The Board retains final authority for employment of contractual personnel; however, from June 1 to August 31, the Board delegates to the Superintendent the authority to employ classroom teachers. The Superintendent shall inform the Board of any persons offered a term contract under this authority, and the Board shall take appropriate action.</p> <p>[See DCA, DCB, DCC, and DCE as appropriate]</p>
EMPLOYMENT OF NONCONTRACTUAL PERSONNEL	<p>The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis.</p> <p>[See DCD]</p>
EMPLOYMENT ASSISTANCE PROHIBITED	No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

DECA
(LEGAL)

Note: This policy summarizes the Family and Medical Leave Act (FMLA) and implementing regulations, including FML for an employee seeking leave because of a relative's military service. For provisions on leaves in general, see DEC. For provisions addressing leave for an employee's military service, see DECB.

This introductory page outlines the contents of this policy on the Family and Medical Leave Act. See the following sections for statutory provisions on:

SECTION I	General Provisions	pages 2–5
	1. Applicability to districts	
	2. Employee eligibility	
	3. Qualifying reasons for leave	
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SECTION II	Leave Entitlement and Use	pages 5–12
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SECTION III	Notices and Medical Certification	pages 12–19
	1. Notices to employee	
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SECTION I: GENERAL PROVISIONS

COVERED EMPLOYER All public elementary and secondary schools are “covered employers” under the FMLA, without regard to the number of employees employed. The term “employer” includes any person who acts directly or indirectly in the interest of a district to any of the district's employees. *29 U.S.C. 2611(4), 2618(a); 29 C.F.R. 825.104(a)*

ELIGIBLE EMPLOYEE “Eligible employee” means an employee who:

1. Has been employed by a district for at least 12 months. The 12 months need not be consecutive;
2. Has been employed by a district for at least 1,250 hours of service during the 12-months immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite.

29 U.S.C. 2611(2); 29 C.F.R. 825.110

[A district that has no eligible employees must comply with the requirements at GENERAL NOTICE, below.]

**QUALIFYING
REASONS FOR LEAVE**

A district shall grant leave to eligible employees:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the definitions of “adoption” and “foster care,” see 29 C.F.R. 825.122.];
3. To care for the employee’s spouse, son or daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee’s job [For the definition of “serious health condition,” see 29 C.F.R. 825.113.];
5. Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) [For the definition of “military member,” see 29 C.F.R. 825.126(b). For the definition of “covered active duty” and “call to covered active duty status,” see 29 C.F.R. 825.102.]; and

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6. To care for a covered servicemember with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. [For the definitions of “covered servicemember” and “serious injury or illness,” see 29 C.F.R. 825.102, .122.]

29 U.S.C. 2612(a); 29 C.F.R. 825.112

For provisions regarding treatment for substance abuse, see 29 C.F.R. 825.119.

QUALIFYING
EXIGENCY

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

1. Short-notice deployment.
2. Military events and related activities.
3. Childcare and school activities.
4. Financial and legal arrangements.
5. Counseling.
6. Rest and recuperation.
7. Post-deployment activities.
8. Parental care.
9. Additional activities, provided that the district and employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

29 C.F.R. 825.126

PREGNANCY OR
BIRTH

Both parents are entitled to FMLA leave to be with a healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. In addition, the expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health-care provider during the absence and even if the absence does not last for more than three consecutive calendar days. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated, during her prenatal care, or following the birth of a child if the spouse has a serious health condition. [For the definition of “needed to care for,” see 29 C.F.R. 825.124.]

29 C.F.R. 825.120

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DEFINITIONS

“EQUIVALENT
POSITION”

An “equivalent position” is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions, including privileges, perquisites, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority. *29 C.F.R. 825.215(a)*

“NEXT OF KIN”

“Next of kin of a covered servicemember” (for purposes of military caregiver leave) means:

1. The blood relative specifically designated in writing by the covered servicemember as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. The designated individual shall be deemed to be the covered servicemember's only next of kin; or
2. When no such designation has been made, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority:
 - a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions,
 - b. Brothers and sisters,
 - c. Grandparents,
 - d. Aunts and uncles, and
 - e. First cousins.

If there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously.

29 C.F.R. 825.127(d)(3)

“PARENT”

“Parent” (for purposes of family, medical, and qualifying exigency leave) means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents “in law.” *29 C.F.R. 825.122*

For the definition of “parent of a covered servicemember” for purposes of military caregiver leave, see *29 C.F.R. 825.127(d)(2)*.

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“SON OR
DAUGHTER”

“Son or daughter” (for purposes of family and medical leave) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence. 29 C.F.R. 825.122

For the definition of “son or daughter on active duty or call to active duty status” for purposes of qualifying exigency leave, see 29 C.F.R. 825.122.

For the definition of “son or daughter of a covered servicemember” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(1).

“SPOUSE”

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.

This definition includes an individual in a same-sex or common law marriage that either:

1. Was entered into in a state that recognizes such marriages; or
2. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

29 C.F.R. 825.102, .122

SECTION II: LEAVE ENTITLEMENT AND USE

AMOUNT OF LEAVE

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during a 12-month period for any one or more of the qualifying reasons.

Spouses who are employed by the same district may be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if leave is taken for the birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

29 U.S.C. 2612(a), (f); 29 C.F.R. 825.120(a)(3), .200, .201

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DETERMINING THE
12-MONTH PERIOD

Except with respect to military caregiver leave, a district may choose any one of the following methods for determining the “12-month period” in which the 12 weeks of leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month “leave year,” such as a fiscal year or a year starting on an employee’s “anniversary” date;
3. The 12-month period measured forward from the date any employee’s first FMLA leave begins; or
4. A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

29 C.F.R. 825.200(b)

MILITARY
CAREGIVER LEAVE

In the case of military caregiver leave, an eligible employee’s FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” is measured forward from the date an employee’s first FMLA leave to care for the covered servicemember begins, regardless of the method used by a district to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *29 C.F.R. 825.200(f), (g)*

Spouses who are employed by the same district may be limited to a combined total of 26 weeks of FMLA leave during the “single 12-month period” if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. *29 C.F.R. 825.127(e)(3)*

SUMMER VACATION
AND OTHER
EXTENDED BREAKS

If a district’s activity temporarily ceases and employees generally are not expected to report for work for one or more weeks (e.g., a school closing for two weeks for the Christmas/New Year holiday), those days do not count against the employee’s FMLA leave entitlement. Similarly, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee’s FMLA leave entitlement. *29 C.F.R. 825.200(h), .601(a)*

INTERMITTENT OR
REDUCED LEAVE
SCHEDULE

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.

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For leave taken because of the employee's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the district agrees.

29 U.S.C. 2612(b); 29 C.F.R. 825.102, .202

TRANSFER TO
ALTERNATIVE
POSITION

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, a district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *29 U.S.C. 2612(b)(2); 29 C.F.R. 825.204*

CALCULATING
LEAVE USE

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. A district must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that the district uses to account for use of other forms of leave, provided the increment is not greater than one hour. *29 C.F.R. 825.205*

SPECIAL RULES FOR
INSTRUCTIONAL
EMPLOYEES

Special rules apply to certain employees of school districts. These special rules affect leave taken intermittently or on a reduced schedule, or taken near the end of an academic term (semester) by instructional employees.

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

29 C.F.R. 825.600

LEAVES AND ABSENCES
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DECA
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FAILURE TO
PROVIDE NOTICE
OF FORESEEABLE
LEAVE

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, a district may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, a district may require the employee to delay the taking of leave until the notice provision is met. *29 C.F.R. 825.601(b)*

20 PERCENT RULE

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, a district may require the employee to choose:

1. To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
2. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

"Periods of a particular duration" means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 U.S.C. 2618(c); 29 C.F.R. 825.601, .603

LEAVE AT THE END OF
A SEMESTER

As a rule, a district may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, the district may in certain cases require the employee to take leave until the end of the semester.

The school semester, or "academic term," typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If a district requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the district to the end of the semester is not counted as FMLA leave;

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however, the district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

29 U.S.C. 2618(d); 29 C.F.R. 825.603

MORE THAN FIVE
WEEKS BEFORE
END OF SEMESTER

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave more than five weeks before the end of the semester;
2. The leave will last at least three weeks; and
3. The employee would return to work during the three-week period before the end of the semester.

DURING LAST FIVE
WEEKS OF
SEMESTER

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a qualifying exigency;
2. The leave will last more than two weeks; and
3. The employee would return to work during the two-week period before the end of the semester.

DURING LAST
THREE WEEKS OF
SEMESTER

A district may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a qualifying exigency.

29 C.F.R. 825.602

SUBSTITUTION OF
PAID LEAVE

Generally, FMLA leave is unpaid leave. However, an employee may choose to substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave, a district may require the employee to do so. The term "substitute" means that the paid leave provided by the district, and accrued pursuant to established policies of the district, will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the district's normal leave policy. *29 U.S.C. 2612(d); 29 C.F.R. 825.207(a)*

COMPENSATORY
TIME

If an employee requests and is permitted to use accrued compensatory time to receive pay during FMLA leave, or if a district requires such use, the compensatory time taken may be counted

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against the employee's FMLA leave entitlement. *29 C.F.R. 825.207(f)*

FMLA AND
WORKERS'
COMPENSATION

A serious health condition may result from injury to the employee "on or off" the job. If a district designates the leave as FMLA leave, the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, neither the employee nor the district may require the substitution of paid leave. However, a district and an employee may agree, where state law permits, to have paid leave supplement workers' compensation benefits.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the district's offer of a "light duty job." As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the district may require the use of accrued paid leave.

29 C.F.R. 825.207(e)

MAINTENANCE OF
HEALTH BENEFITS

During any FMLA leave, a district must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

29 U.S.C. 2614(c); 29 C.F.R. 825.209

PAYMENT OF
PREMIUMS

During FMLA leave, the employee must continue to pay the employee's share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates. *29 C.F.R. 825.210*

FAILURE TO PAY
PREMIUMS

Unless a district has an established policy providing a longer grace period, a district's obligations to maintain health insurance coverage cease if an employee's premium payment is more than 30 days late. In order to terminate the employee's coverage, the district must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that

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coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, the district must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain re-instatement of coverage.

29 C.F.R. 825.212

RECOVERY OF
BENEFIT COST

If an employee fails to return to work after FMLA leave has been exhausted or expires, a district may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. A district may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave. *29 C.F.R. 825.213*

RIGHT TO
REINSTATEMENT

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. *29 C.F.R. 825.214, .216(a)*

MOONLIGHTING
DURING LEAVE

If a district has a uniformly applied policy governing outside or supplemental employment, the policy may continue to apply to an employee while on FMLA leave. A district that does not have such a policy may not deny FMLA benefits on the basis of outside or supplemental employment unless the FMLA leave was fraudulently obtained. *29 U.S.C. 2618(e); 29 C.F.R. 825.216(e)*

REINSTATEMENT
OF SCHOOL
EMPLOYEES

A district shall make the determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave on the basis of established school board policies and practices. The "established policies" must be in writing, must be made known to the employee before the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave.

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Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA. For example, an employee may not be restored to a position requiring additional licensure or certification. *29 C.F.R. 825.604*

PAY INCREASES
AND BONUSES

An employee is entitled to any unconditional pay increases that may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with a district's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave.

Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then an employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

29 C.F.R. 825.215(c)

KEY EMPLOYEES

A district may deny job restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the district. *29 U.S.C. 2614(b); 29 C.F.R. 825.217-.219*

SECTION III: NOTICES AND MEDICAL CERTIFICATION

EMPLOYER NOTICES
GENERAL NOTICE

Every covered employer must post on its premises a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints with the Department of Labor's Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

If a district has any eligible employees, it shall also:

1. Include the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist; or

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(LEGAL)

2. Distribute a copy of the general notice to each new employee upon hiring.

Electronic posting is sufficient if it meets the other requirements of this section.

If a district's workforce is comprised of a significant portion of workers who are not literate in English, the district shall provide the general notice in a language in which the employees are literate.

A district may use Department of Labor (DOL) form WHD 1420 or may use another format so long as the information provided includes, at a minimum, all of the information contained in that notice.

29 C.F.R. 825.300(a)

ELIGIBILITY NOTICE

When an employee requests FMLA leave, or when a district acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the district must notify the employee of the employee's eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

A district must provide the eligibility notice within five business days, absent extenuating circumstances. Notification of eligibility may be oral or in writing. The district may use DOL form WH-381 to provide such notification to employees. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(b)

RIGHTS AND
RESPONSIBILITIES
NOTICE

Each time a district provides an eligibility notice to an employee, the district shall also provide a written rights and responsibilities notice. The rights and responsibilities notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(c)(1).

A district may use DOL form WH-381 to provide such notification to employees. A district may adapt the prototype notice as appropriate to meet these notice requirements. The notice may be distributed electronically if it meets the other requirements of this section. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(c)

DESIGNATION
NOTICE

When a district has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the district must notify the employee whether the leave will be designated as FMLA

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leave. If the district determines that the leave will not be designated as FMLA-qualifying, the district must notify the employee of that determination. Absent extenuating circumstances, a district must provide the designation notice within five business days.

A district may use DOL form WH-382 to provide such notification to employees. If the leave is not designated as FMLA leave because it does not meet the requirements of the Act, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

The designation notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(d)(1) (substitution of paid leave), (d)(3) (fitness for duty certification), and (d)(6) (amount of leave charged against FMLA entitlement). For further provisions on designation of leave, see 29 C.F.R. 825.301.

29 C.F.R. 825.300(d)

RETROACTIVE
DESIGNATION

A district may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if the district's failure to timely designate leave does not cause harm or injury to the employee. In addition, a district and an employee may agree that leave will be retroactively designated as FMLA leave. *29 C.F.R. 825.301(d)*

EMPLOYEE NOTICE

An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, below. The employee does not need to expressly assert rights under the Act or even mention the FMLA. *29 C.F.R. 825.301*

FORESEEABLE
LEAVE

An employee must provide at least 30 days' advance notice before FMLA leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment of the employee, a family member, or a covered servicemember. If 30 days' notice is not practicable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with the district and make a reasonable effort to schedule the treatment so as not to disrupt unduly the district's operations, subject to the approval of the health-care provider.

29 C.F.R. 825.302

UNFORESEEABLE
LEAVE

When the approximate timing of leave is not foreseeable, an employee must provide notice to a district as soon as practicable un-

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der the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the district's usual and customary notice requirements applicable to such leave. *29 C.F.R. 825.303*

COMPLIANCE WITH
DISTRICT
REQUIREMENTS

A district may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied. *29 C.F.R. 825.302(d), .303(c)*

CERTIFICATION OF
LEAVE

A district may require that an employee's FMLA leave be supported by certification, as described below. The district must give notice of a requirement for certification each time certification is required. At the time the district requests certification, the district must advise the employee of the consequences of failure to provide adequate certification. *29 C.F.R. 825.305(a)*

TIMING

In most cases, a district should request certification at the time the employee gives notice of the need for leave or within five business days thereafter or, in the case of unforeseen leave, within five business days after the leave commences. The district may request certification at a later date if the district later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the district within 15 calendar days after the district's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. *29 C.F.R. 825.305(b)*

INCOMPLETE OR
INSUFFICIENT
CERTIFICATION

A district shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The district must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency.

A certification is "incomplete" if one or more of the applicable entries have not been completed. A certification is "insufficient" if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to the district is not considered incomplete or insufficient, but constitutes a failure to provide certification.

29 C.F.R. 825.305(c)

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DECA
(LEGAL)

MEDICAL
CERTIFICATION OF
SERIOUS HEALTH
CONDITION

When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, a district may require the employee to obtain medical certification from a health-care provider. A district may use DOL optional form WH-380-E when the employee needs leave due to the employee's own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious health condition. A district may not require information beyond that specified in the FMLA regulations.

An employee may choose to comply with the certification requirement by providing the district with an authorization, release, or waiver allowing the district to communicate directly with the health-care provider.

For the definition of "health-care provider," see 29 C.F.R. 825.125.

29 C.F.R. 825.306

GENETIC
INFORMATION

A district subject to the Genetic Information Nondiscrimination Act (GINA) shall comply with the GINA rules with respect to a request for medical information. *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAB]

AUTHENTICATION
AND CLARIFICATION

If an employee submits a complete and sufficient certification signed by the health-care provider, a district may not request additional information from the health-care provider. However, the district may contact the health-care provider for purposes of clarification and authentication of the certification after the district has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, a district must use a health-care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee's direct supervisor contact the employee's health-care provider.

"Authentication" means providing the health-care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the health-care provider who signed the document; no additional medical information may be requested.

"Clarification" means contacting the health-care provider to understand the handwriting on the certification or to understand the meaning of a response. A district may not ask the health-care provider for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with a district by a HIPAA-covered health-care provider.

29 C.F.R. 825.307(a)

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(LEGAL)

SECOND AND THIRD OPINIONS	<p>If a district has reason to doubt the validity of a medical certification, the district may require the employee to obtain a second opinion at the district's expense. If the opinions of the employee's and the district's designated health-care providers differ, the district may require the employee to obtain certification from a third health-care provider, again at the district's expense. <i>29 C.F.R. 825.307(b), (c)</i></p>
FOREIGN MEDICAL CERTIFICATION	<p>If the employee or a family member is visiting another country, or a family member resides in another country, and a serious health condition develops, the district shall accept medical certification as well as second and third opinions from a health-care provider who practices in that country. If the certification is in a language other than English, the employee must provide the district with a written translation of the certification upon request. <i>29 C.F.R. 825.307(f)</i></p>
RECERTIFICATION	<p>A district may request recertification no more often than every 30 days and only in connection with an absence by the employee, except as set forth in the FMLA regulations. The district must allow at least 15 calendar days for the employee to provide recertification.</p> <p>As part of the recertification for leave taken because of a serious health condition, the district may provide the health-care provider with a record of the employee's absence pattern and ask the health-care provider if the serious health condition and need for leave is consistent with such a pattern.</p> <p><i>29 C.F.R. 825.308</i></p>
CERTIFICATION— QUALIFYING EXIGENCY LEAVE	<p>The first time an employee requests leave because of a qualifying exigency, a district may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service.</p> <p>A district may also require that the leave be supported by a certification that addresses the information at <i>29 C.F.R. 825.309(b)</i>. The district may use DOL optional form WH-384, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations.</p> <p><i>29 C.F.R. 825.309</i></p>
CERTIFICATION— MILITARY CAREGIVER LEAVE	<p>When an employee takes military caregiver leave, a district may require the employee to obtain a certification completed by an authorized health-care provider of the covered servicemember. In addition, the district may request that the employee and/or covered</p>

LEAVES AND ABSENCES
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DECA
(LEGAL)

servicemember address in the certification the information at 29 C.F.R. 825.310(c). The district may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill servicemember.

A district may use DOL optional form WH-385, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations. A district must accept as sufficient certification "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside.

A district may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and recertifications, are not permitted for leave to care for a covered servicemember.

29 C.F.R. 825.310

INTENT TO RETURN
TO WORK

A district may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The district's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation. *29 C.F.R. 825.311*

FITNESS FOR DUTY
CERTIFICATION

As a condition of restoring an employee who took FMLA leave due to the employee's own serious health condition, a district may have a uniformly applied policy or practice that requires all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health-care provider that the employee is able to resume work. A district may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. *29 C.F.R. 825.312*

FAILURE TO
PROVIDE
CERTIFICATION

If the employee fails to provide the district with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the district may deny the taking of FMLA leave. This provision applies in any case where a district requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient. *29 C.F.R. 825.305*

For failure to provide timely certification of foreseeable leave, see 29 C.F.R. 825.313(a). For failure to provide timely certification of unforeseeable leave, see 29 C.F.R. 825.313(b). For failure to provide timely recertification, see 29 C.F.R. 825.313(c). For failure to

provide timely fitness-for-duty certification, see 29 C.F.R. 825.313(d).

SECTION IV: MISCELLANEOUS PROVISIONS

RECORDS

A district shall make, keep, and preserve records pertaining to its obligations under the FMLA in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA) and the FMLA regulations. A district shall keep these records for no less than three years and make them available for inspection, copying, and transcription by representatives of the DOL upon request.

If the district is preserving records electronically, the district must comply with 29 C.F.R. 825.500(b). A district that has eligible employees must maintain records with the data set forth at 29 C.F.R. 825.500(c). A district that has no eligible employees must maintain just the data at 29 C.F.R. 825.500(c)(1). For districts in a joint employment situation, see 29 C.F.R. 825.500(e).

Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.

If the Genetic Information Nondiscrimination Act (GINA) is applicable, records and documents created for purposes of FMLA leave that contain family medical history or genetic information shall be maintained in accordance with the confidentiality requirements of GINA (see 29 C.F.R. 1635.9), which permit such information to be disclosed consistent with the requirements of the FMLA. [For information regarding GINA, see DAB(LEGAL).]

If the Americans with Disabilities Act (ADA) is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements [see 29 C.F.R. 1630.14(c)(1)], except as set forth in this section of the regulations.

29 C.F.R. 825.500

PROHIBITION AGAINST
DISCRIMINATION AND
RETALIATION

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. 29 U.S.C. 2615; 29 C.F.R. 825.220

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LOCAL)

PRIOR APPROVAL
REQUIRED

An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's supervisor and in accordance with administrative regulations.

DOCUMENTATION
REQUIRED

For any allowable expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses.

EXCEPTION

Expenses for meals associated with authorized overnight travel not related to a state or federal grant shall be paid to employees on a per diem basis. No receipts shall be required for expenses paid on a per diem basis.

PROBATIONARY CONTRACTS
SUSPENSION/TERMINATION DURING CONTRACT

DFAA
(LOCAL)

SUSPENSION WITH
PAY

A probationary contract employee may be suspended with pay and placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension.

TERM CONTRACTS
SUSPENSION/TERMINATION DURING CONTRACT

DFBA
(LOCAL)

SUSPENSION WITH
PAY

A term contract employee may be suspended with pay and placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension.

CONTINUING CONTRACTS
SUSPENSION/TERMINATION

DFCA
(LOCAL)

SUSPENSION WITH
PAY

A continuing contract employee may be suspended with pay and placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

EDUCATORS' CODE OF ETHICS

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 1.11. The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Standard 1.14. The educator shall not assist another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, if the educator knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of the law.

2. Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

3. Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, e-mail, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- a. The nature, purpose, timing, and amount of the communication;
- b. The subject matter of the communication;
- c. Whether the communication was made openly or the educator attempted to conceal the communication;
- d. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- e. Whether the communication was sexually explicit; and
- f. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

REPORT REQUIRED	In addition to the reporting requirement under Family Code 261.101 [see FFG], a superintendent shall notify the State Board for Educator Certification (SBEC) if:
CRIMINAL HISTORY	1. An educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;
TERMINATION	2. An educator's employment at the district was terminated based on evidence that the educator engaged in an act of misconduct listed below;
RESIGNATION	3. An educator has submitted a notice of resignation and evidence exists that would support a finding that the educator engaged in an act of misconduct listed below; or
ASSESSMENT INSTRUMENT	4. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 21.006, 22.087; 19 TAC 249.14(d)

REPORTABLE MISCONDUCT	<p>A superintendent shall make a report to SBEC under Education Code 21.006 if there is evidence that the educator:</p> <ol style="list-style-type: none">1. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;3. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;4. Illegally transferred, appropriated, or expended funds or other property of the district;5. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation; or6. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.
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Education Code 21.006(b); 19 TAC 249.14(d)

DEFINITIONS	"Abuse" includes the following acts or omissions:
"ABUSE"	

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

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

19 TAC 249.3(1)

"REPORTED
CRIMINAL HISTORY"

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal informations, convictions, deferred adjudications, and probations in any state or federal jurisdiction. *19 TAC 249.3(43)*

"SOLICITATION OF A
ROMANTIC
RELATIONSHIP"

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

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

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

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

19 TAC 249.3(50)

A superintendent may notify SBEC of any educator misconduct that the superintendent believes in good faith may be subject to sanctions by SBEC. *19 TAC 249.14(d)*

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

DEADLINE TO REPORT	The superintendent must notify SBEC in writing not later than the seventh day after the date the superintendent knew about an employee's termination of employment following an alleged incident of misconduct. <i>Education Code 21.006(c)</i>
CONTENTS OF REPORT	<p>The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in detail the factual circumstances requiring the report and identify the subject of the report by providing the following available information:</p> <ol style="list-style-type: none">1. Name and any aliases;2. Certificate number, if any, or social security number;3. Last known mailing address and home and daytime phone numbers;4. All available contact information for any alleged victim or victims; and5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report. <p><i>Education Code 21.006(c); 19 TAC 249.14(e)</i></p> <p>A superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code Chapter 552. [See GBAA] <i>Education Code 21.006(h)</i></p>
ACCEPTING RESIGNATION	Before accepting an employee's resignation that requires filing a report, the superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. The superintendent shall notify the board before filing the report.
NOTICE TO EDUCATOR AND BOARD	
COMPLETION OF INVESTIGATION	<p>A superintendent shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described above despite the educator's resignation from district employment before completion of the investigation.</p> <p><i>19 TAC 249.14(d)(3)</i></p>
NOTICE	A superintendent shall notify the board and the educator of the filing of a written report with SBEC. <i>Education Code 21.006(d)</i>
SANCTIONS FOR FAILURE TO REPORT	A superintendent who fails to timely make a required report is subject to sanctions by SBEC. <i>Education Code 21.006(f); 19 TAC 249.14(e)</i>

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

IMMUNITY

A superintendent who, in good faith and while acting in an official capacity, files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 21.006(e)*

PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS

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TEACHER APPRAISAL	<p>The employment policies adopted by the board must require a written evaluation of each teacher at annual or more frequent intervals.</p> <p>A teacher appraisal must be done at least once during each school year. 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.</p> <p><i>Education Code 21.203, .352(c)</i></p>
INTERIM EVALUATIONS AND GUIDANCE	<p>In addition to conducting a complete appraisal as frequently as required by Education Code 21.352(c), a district shall require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. A district shall give priority to conducting appropriate components more frequently for inexperienced teachers or experienced teachers with identified areas of deficiency. <i>Education Code 21.352(c-1)</i></p>
REQUIRED COMPONENTS	<p>The statutorily required components of teacher appraisal are defined as follows:</p> <ol style="list-style-type: none">1. The implementation of discipline management procedures is the teacher's pedagogical practices that produce student engagement and establish the learning environment.2. The performance of teachers' students is how the individual teacher's students progress academically in response to the teacher's pedagogical practice as measured at the individual teacher level by one or more of the following student growth measures:<ol style="list-style-type: none">a. Student learning objectives;b. Student portfolios;c. Pre- and post-test results on district-level assessments; ord. Value-added data based on student state assessment results. <p><i>19 TAC 150.1001(f)</i></p>
NOTICE AND USE OF EVALUATIONS	<p>A district shall use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions and</p>

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	<p>developing career recommendations for the teacher. <i>Education Code 21.352(e)</i></p> <p>The district shall notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the district and the teacher to improve the overall performance of the teacher. <i>Education Code 21.352(f)</i></p>
ROLE OF EXTRACURRICULAR ACTIVITIES	<p>A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with extracurricular activities. <i>Education Code 21.353</i></p>
ACCESS TO EVALUATIONS	<p>A district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.</p> <p>Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.</p> <p><i>Education Code 21.352(c)</i></p>
CONFIDENTIALITY	<p>A document evaluating the performance of a teacher is confidential. <i>Education Code 21.355</i></p>
TWO APPRAISAL METHODS	<p>A district shall use one of the following methods to appraise teachers:</p> <ol style="list-style-type: none">1. The teacher appraisal system recommended by the commissioner of education [see STATE METHOD (T-TESS) below]; or2. A local teacher appraisal system [see DISTRICT OPTION and CAMPUS OPTION below]. <p><i>Education Code 21.352(a); 19 TAC 150.1001(a)</i></p>
SELECTION OF APPRAISAL METHOD	<p>A superintendent, with the approval of a board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher appraisal system must follow the requirements set forth below at DISTRICT OPTION or CAMPUS OPTION. <i>19 TAC 150.1001(c)</i></p>
NOTICE TO SERVICE CENTER	<p>A superintendent shall notify the executive director of the district's regional education service center in writing of the district's choice of appraisal system when using an alternative to the state appraisal method and detail the components of that system by the first day of instruction for the school year in which the alternative system is used.</p>

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A district shall submit annually to its service center a summary of the campus-level evaluation scores from the state appraisal method or the district's locally adopted appraisal system, in a manner prescribed by the commissioner.

19 TAC 150.1008

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

STATE METHOD
(T-TESS)

The commissioner's recommended teacher appraisal system, the Texas Teacher Evaluation and Support System (T-TESS), was developed in accordance with Education Code 21.351. *19 TAC 150.1001(b), .1002(a)*

ORIENTATION AND
ANNUAL REVIEW

A district shall ensure that all teachers are provided with an orientation to the T-TESS no later than the final day of the first three weeks of school and at least two weeks before the first observation when:

1. The teacher is new to the district;
2. The teacher has never been appraised under the T-TESS; or
3. District policy regarding teacher appraisal has changed since the last time the teacher was provided with an orientation to the T-TESS.

The teacher orientation shall be conducted in a face-to-face setting during a district's first year of T-TESS implementation and include all state and local appraisal policies and the local appraisal calendar. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the T-TESS specifics and to have their questions answered.

19 TAC 150.1006

APPRAISERS

The teacher appraisal process requires at least one certified appraiser. An appraiser must be the teacher's supervisor or a person approved by the board.

CAMPUS
ADMINISTRATOR

Only a campus administrator may act as a certified appraiser, except as provided below.

Under the T-TESS, a "campus administrator" includes a principal, an assistant principal, an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification, or supervisory staff whose job descrip-

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tion includes the appraisal of teachers and who is not a classroom teacher.

An individual other than a campus administrator may act as a certified appraiser if:

1. The individual has been certified by completing the required training prior to conducting appraisals; and
2. In the case where the certified appraiser is a classroom teacher, the certified appraiser:
 - a. Conducts appraisals at the same school campus at which the certified appraiser teaches if the certified appraiser is the chair of a department or grade level whose job description includes classroom observation responsibilities; or
 - b. Does not conduct appraisals of classroom teachers who teach at the same campus as the certified appraiser if the certified appraiser is not a department or grade-level chair.

TRAINING AND
CERTIFICATION

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed the state-approved T-TESS appraiser training and having passed the T-TESS certification examination, and must have received Instructional Leadership Training (ILT), Instructional Leadership Development (ILD), or Advanced Educational Leadership (AEL) certification. Appraisers without ILT, ILD, or AEL certification before January 1, 2016, may not take ILT or ILD to satisfy the requirement. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1005

APPRAISAL
CALENDAR

A district shall establish a calendar for teacher appraisals and provide that calendar to teachers within three weeks from the first day of instruction. 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 appraisal calendar shall:

1. Exclude observations in the two weeks after the day of completion of the T-TESS orientation in the school years when an orientation is required; and

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2. Indicate a period for end-of-year 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)*

ASSESSMENT OF
TEACHER
PERFORMANCE

Each teacher must be appraised each school year, except as provided below at LESS-THAN-ANNUAL APPRAISAL. 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)*

During the appraisal period, the certified appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in 19 Administrative Code 150.1002(a) and the performance of teachers' students as defined in 19 Administrative Code 150.1001(f)(2). *19 TAC 150.1003(e)*

LESS-THAN-
ANNUAL
APPRAISAL

A teacher may receive a full appraisal less than annually if the teacher agrees in writing and the teacher's most recent full appraisal resulted in the teacher receiving summative ratings of at least proficient on nine of the sixteen dimensions and did not identify any area of deficiency, defined as a rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in 19 Administrative Code 150.1002(a) or the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2). A teacher who receives a full appraisal less than annually must receive a full appraisal at least once during each period of five school years.

District policy may stipulate:

1. Whether the option to receive a full appraisal less frequently than annually is to be made available to teachers;
2. Whether the option to receive a full appraisal less frequently than annually is to be adopted district-wide or is to be campus specific;
3. If the appraisal accompanying a teacher new to a district or campus meets this option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and
4. Whether a certified appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies

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documented in accordance with 19 Administrative Code 150.1003(b)(6) and (f) (related to cumulative data regarding teacher performance in addition to formal classroom observations).

A school district may choose annually to review the written agreement to have less frequent full appraisals with the teacher. However, at the conclusion 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 year(s).

In a year in which a teacher does not receive a full appraisal due to meeting the requirements, a teacher shall participate in:

1. The Goal-Setting and Professional Development Plan process;
2. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
3. A modified end-of-year conference that addresses:
 - a. The progress on the Goal-Setting and Professional Development Plan;
 - b. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
 - c. The following year's Goal-Setting and Professional Development plan.

19 TAC 150.1003(l)

DOMAINS AND
DIMENSIONS

Each teacher shall be appraised on the following domains and dimensions of the T-TESS rubric that is aligned to the Texas Teacher Standards in 19 Administrative Code Chapter 149 (relating to Commissioner's Rules Concerning Educator Standards):

1. Domain I. Planning, which includes the following dimensions:
 - a. Standards and alignment;
 - b. Data and assessment;
 - c. Knowledge of students; and
 - d. Activities.
2. Domain II. Instruction, which includes the following dimensions:

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- a. Achieving expectations;
 - b. Content knowledge and expertise;
 - c. Communication;
 - d. Differentiation; and
 - e. Monitor and adjust.
3. Domain III. Learning Environment, which includes the following dimensions:
 - a. Classroom environment, routines, and procedures;
 - b. Managing student behavior; and
 - c. Classroom culture.
4. Domain IV. Professional Practices and Responsibilities, which includes the following dimensions:
 - a. Professional demeanor and ethics;
 - b. Goal setting;
 - c. Professional development; and
 - d. School community involvement.

The evaluation of each of the dimensions above shall consider all data generated in the appraisal process. The data for the appraisal of each dimension shall be gathered from pre-conferences, observations, post-conferences, end-of-year conferences, the Goal-Setting and Professional Development Plan process, and other documented sources.

Each teacher shall be evaluated on the 16 dimensions in Domains I–IV identified above using the following categories:

1. Distinguished;
2. Accomplished;
3. Proficient;
4. Developing; and
5. Improvement needed.

STUDENT
PERFORMANCE

Beginning with the 2017–18 school year, each teacher appraisal shall include the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (relating to student growth measures).

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If calculating a single overall summative appraisal score for teachers, the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), shall count for at least 20 percent of a teacher's summative score.

Each teacher shall be evaluated on the performance of teachers' students using one of the terms from the following categories:

1. Distinguished or well above expectations;
2. Accomplished or above expectations;
3. Proficient or at expectations;
4. Developing or below expectations; or
5. Improvement needed or well below expectations.

19 TAC 150.1002

APPRAISAL
PROCESS

The annual teacher appraisal, or full appraisal, shall include:

1. A completed and appraiser-approved Goal-Setting and Professional Development Plan that shall be:
 - a. Submitted to the teacher's appraiser within the first six weeks from the day of completion of the T-TESS orientation for teachers in their first year of appraisal under the T-TESS or for teachers new to the district; or
 - b. Initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
 - c. Maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
 - d. Shared with the teacher's appraiser prior to the end-of-year conference; and
 - e. Used after the end-of-year conference in the determination of ratings for the goal setting and professional development dimensions of the T-TESS rubric;
2. For a teacher in the first year of appraisal under the T-TESS or for teachers new to the district, a Goal-Setting and Profes-

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sional Development Plan conference prior to the teacher submitting the plan to the teacher's appraiser;

3. After a teacher's first year of appraisal under the T-TESS within the district, an observation pre-conference conducted prior to announced observations;
4. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the certified appraiser and in accordance with the Education Code 21.352(c-1). Additional observations and walk-throughs do not require an observation post-conference. Additional observations and walk-throughs do require a written summary if the data gathered during the additional observation or walk-through will impact the teacher's summative appraisal ratings, in which case the written summary shall be shared within ten working days after the completion of the additional observation or walk-through. Title 19 Administrative Code 150.1004 (relating to Teacher Response and Appeals) applies to a written summary of an additional observation or walk-through that will impact the teacher's summative appraisal ratings;
5. An observation post-conference that:
 - a. Shall be conducted within ten working days after the completion of an observation;
 - b. Is diagnostic and prescriptive in nature;
 - c. Includes a written report of the rating of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and areas for refinement; and
 - d. Can allow for, at the discretion of the appraiser, a revision to an area for reinforcement or refinement based on the post-conference discussion with the teacher;
6. Cumulative data from written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;
7. An end-of-year conference that:
 - a. Reviews the appraisal data collected throughout the current school year and previous school years, if available;
 - b. Examines and discusses the evidence related to the teacher's performance on the four dimensions of Domain IV of the T-TESS rubric;

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- c. Examines and discusses evidence related to the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (relating to student growth measures), when available; and
 - d. Identifies potential goals and professional development activities for the teacher for the next school year; and
8. A written summative annual appraisal report to be provided to the teacher within ten working days of the conclusion of the end-of-year conference.

19 TAC 150.1003(b)

SHORTER OBSERVATIONS	By written, mutual consent of the teacher and the certified appraiser, the required 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes. <i>19 TAC 150.1003(g)</i>
CUMULATIVE DATA	The certified appraiser is responsible for documentation of cumulative data. Any third-party information from a source other than the certified appraiser that the certified appraiser wishes to include as cumulative data shall be verified and documented by the certified 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 certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing of the cumulative data when the certified appraiser is not the teacher's principal. <i>19 TAC 150.1003(f)</i>
SUMMATIVE REPORT	A written summative annual appraisal report shall be shared with the teacher 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. <i>19 TAC 150.1003(h)</i>
END-OF-YEAR CONFERENCE	An end-of-year conference shall be held within a time frame specified on the district calendar, no later than 15 working days before the last day of instruction for students. The end-of-year conference shall focus on the data and evidence gathered throughout the appraisal year; the teacher's efforts as they pertain to Domain IV; the results of the performance of teachers' students, when available, as defined in 19 Administrative Code 150.1001(f)(2); and the potential goals and professional development plans for the following year. The written summative annual appraisal report shall be shared with the teacher within ten working days following the conclusion of the end-of-year conference but no later than 15 working days before the last day of instruction.

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In cases where the certified appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus must participate in the end-of-year conference.

19 TAC 150.1003(i), (j)

ADDITIONAL
DOCUMENTATION

Any documentation collected after the end-of-year 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 dimension, another summative report shall be developed to inform the teacher of the changes. *19 TAC 150.1003(k)*

TEACHER RESPONSE
AND REBUTTAL

A teacher may submit a written response or rebuttal at the following times:

1. For Domains I, II, and III, after receiving a written observation summary or any other written documentation related to the ratings of those three domains; or
2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after receiving a written summative annual appraisal report.

Any written response or rebuttal must be submitted within ten working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal. A teacher may not submit a written response or rebuttal to a written summative annual appraisal report for the ratings in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to submit a written response or rebuttal.

Education Code 21.352(c); 19 TAC 150.1004(a), (b)

REQUEST FOR
SECOND APPRAISAL

A teacher may request a second appraisal by another certified appraiser at the following times:

1. For Domains I, II, and III, after receiving a written observation summary with which the teacher disagrees; or
2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after receiving a written summative annual appraisal report with which the teacher disagrees.

The second appraisal must be requested within ten working days of receiving a written observation summary or a written summative

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annual appraisal report. A teacher may not request a second appraisal by another certified appraiser in response to a written summative annual appraisal report for the ratings of dimensions in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to request a second appraisal.

A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.

The second appraiser shall make observations and walk-throughs as necessary to evaluate the dimensions in Domains I–III or shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable. Cumulative data may also be used by the second appraiser to evaluate other dimensions.

A 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.

Education Code 21.352(c); 19 TAC 150.1004(c)–(g)

Note: The following provisions apply to teacher appraisal using a district-developed appraisal method.

DISTRICT OPTION

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

DEVELOPMENT OF
APPRAISAL SYSTEM

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

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

APPRAISAL
PROCESS

The appraisal process shall include:

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see TEACHER APPRAISAL above];

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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, as defined in 19 Administrative Code 150.1001(f)(1); and
 - b. Beginning with the 2017–18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

BOARD
ACCEPTANCE

A 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 150.1007(a)

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

CAMPUS OPTION

A campus within a 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, or less frequently if in accordance with Education Code 21.352(c) [see TEACHER APPRAISAL above];
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

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3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and
 - b. Beginning with the 2017–18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

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 150.1007(b)

Note: The following provision applies to appraiser training under a local appraisal process (district- or campus-developed).

APPRAISERS

A district that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's locally adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district. 19 TAC 244.3

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

PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

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(LEGAL)

FREQUENCY

The employment policies adopted by a board must require a written evaluation at annual or more frequent intervals of each principal, supervisor, school counselor, or other full-time, certified professional employee, and nurse. *Education Code 21.203(a)*

District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months. *Education Code 21.354(d)*

PRINCIPAL APPRAISAL

A district shall appraise each principal annually. In appraising principals, a school district shall use either:

1. The appraisal system and school leadership standards and indicators developed or established by the commissioner of education; or
2. An appraisal process and performance criteria developed by the district in consultation with the district-level and campus-level committees [see BQA and BQB] and adopted by the board.

Education Code 21.3541(f), (g); 19 TAC 150.1023(a)

The commissioner's recommended principal appraisal system, the Texas Principal Evaluation and Support System (T-PESS), was developed in accordance with Education Code 21.3541.

The superintendent, with the approval of the board, may select the T-PESS. Each school district wanting to select or develop an alternative principal appraisal system must follow Education Code 21.3541, and 19 Administrative Code 150.1026 (relating to Alternatives to the Commissioner's Recommended Principal Appraisal System).

19 TAC 150.1021(b), (c)

NOTICE TO ESC

The superintendent shall notify the executive director of its regional education service center in writing of the school district's choice of appraisal system when using an alternative to the commissioner's recommended appraisal system and detail the components of that system by the first day of instruction for the school year in which the alternative system is used.

Each school district shall submit annually to its regional education service center a summary of the evaluation scores from the T-PESS or the district's locally adopted appraisal system, in a manner prescribed by the commissioner.

19 TAC 150.1027

PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

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(LEGAL)

TEXAS PRINCIPAL
EVALUATION AND
SUPPORT SYSTEM
(T-PESS)

Each principal shall be appraised on the following standards and indicators of the T-PESS rubric that is aligned to the Texas Administrator Standards in 19 Administrative Code, Chapter 149 (relating to Commissioner's Rules Concerning Educator Standards):

1. Standard I. Instructional Leadership, which includes four indicators;
2. Standard II. Human Capital, which includes four indicators;
3. Standard III. Executive Leadership, which includes four indicators;
4. Standard IV. School Culture, which includes five indicators; and
5. Standard V. Strategic Operations, which includes four indicators.

The evaluation of each of the standards and indicators above shall consider all data generated in the appraisal process.

Each principal shall be evaluated on the attainment and progress toward at least one goal, as referenced in 19 Administrative Code 150.1023 (relating to Appraisals, Data Sources, and Conferences). At least one goal shall be focused on the improvement of the principal's practice, as captured in the T-PESS rubric indicators and descriptors.

If calculating a single overall summative appraisal score for principals, the rating for the attainment of goals shall count for:

1. At least 20 percent of a principal's summative score for a principal who has served at least one year in his or her role on the same campus; or
2. At least 30 percent of a principal's summative score for a principal who is in his or her first year as principal on a particular campus.

Each principal shall be evaluated on each of the 21 indicators in Standards I–V identified above and on the attainment of each goal, using the following categories:

1. Distinguished;
2. Accomplished;
3. Proficient;
4. Developing; and
5. Improvement needed.

PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

DNB
(LEGAL)

Beginning with the 2017–18 school year, each principal appraisal shall include the campus-level academic growth or progress of the students enrolled at the principal's campus.

If calculating a single overall summative appraisal score for principals, the measure of student growth or progress shall count for:

1. At least 20 percent of a principal's summative score for a principal who has served two or more years in his or her role on the same campus;
2. At least 10 percent of a principal's summative score for a principal who has served one year in his or her role on the same campus; or
3. May not be included in calculating a single overall summative appraisal score for a principal who is in his or her first year as principal on a particular campus.

Each principal shall be evaluated on student growth or progress using one of the terms from the following categories:

1. Distinguished;
2. Accomplished;
3. Proficient;
4. Developing; or
5. Improvement needed.

19 TAC 150.1022

APPRAISAL
PROCEDURES

The annual principal appraisal shall include:

1. At least one appraiser-approved goal that shall be:
 - a. Initially drafted in conjunction with the principal's end-of-year conference from the previous year, as applicable, revised as needed based on changes to the context of the principal's assignment at the beginning of the current school year, and submitted to the principal's appraiser; and
 - b. Maintained throughout the course of the school year by the principal to track progress in the attainment of goals and the actions taken to achieve the goals;
 - c. Shared with the principal's appraiser prior to the end-of-year conference; and

PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

DNB
(LEGAL)

- d. Used after the end-of-year conference in the determination of ratings for the attainment of goals;
2. A pre-evaluation conference prior to the principal submitting his or her goals to the principal's appraiser;
3. A mid-year conference to determine and discuss progress toward the attainment of goals;
4. An end-of-year conference that:
 - a. Reviews data collected throughout the current school year and previous school years, if available;
 - b. Examines and discusses the artifacts and evidence related to the principal's performance on the 21 indicators of T-PESS rubric and the attainment of goals;
 - c. Examines and discusses evidence related to student growth or progress measures, as described in 19 Administrative Code 150.1022(f)–(h), when available; and
 - d. Identifies potential goals and professional development activities for the principal for the next school year; and
5. A written summative annual appraisal report to be provided to the principal after the conclusion of the end-of-year conference.

CALENDAR Each school district shall establish a calendar for the appraisal of principals and provide that calendar to principals prior to the pre-evaluation conference.

APPRAISAL
REPORT The written summative annual appraisal report shall be placed in the principal's personnel file by the end of the appraisal period.

ADDITIONAL
DOCUMENTATION Any documentation collected after the end-of-year conference but before the end of the contract term during one school year may be considered as part of the appraisal of a principal. If the documentation affects the principal's evaluation in any indicator, the attainment of goals, or a measure of student growth or progress, another summative report shall be developed to inform the principal of the changes prior to the end of the contract term.

19 TAC 150.1023(b)–(e)

APPRAISER
QUALIFICATIONS The principal appraisal process requires at least one certified appraiser. Before conducting an appraisal, an appraiser must be certified by having satisfactorily completed the state-approved T-PESS. Periodic recertification and training may be required. *19 TAC 150.1024*

PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

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(LEGAL)

ORIENTATION

A district shall ensure that a principal is provided with an orientation of the T-PESS either prior to or in conjunction with the pre-evaluation conference when:

1. The principal is new to the district;
2. The principal has never been appraised under the T-PESS; or
3. District policy regarding principal appraisal has changed since the last time the principal was provided with an orientation to the T-PESS.

The principal orientation shall include all state and local appraisal policies and the local appraisal calendar.

19 TAC 150.1025

ALTERNATIVES TO
T-PESS

A district that does not choose to use the T-PESS must develop its own principal appraisal system supported by locally adopted policy and procedures; developed in consultation with the district-level and campus-level committees established under Education Code 11.251; and adopted by the board. *Education Code 21.3541; 19 TAC 150.1026*

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

APPRAISAL OF
CAMPUS
ADMINISTRATORS
OTHER THAN
PRINCIPALS

A district shall appraise each campus administrator, other than a principal, annually using either:

1. The commissioner's recommended appraisal process and performance criteria; or
2. An appraisal process and performance criteria developed by the district in consultation with the district- and campus-level committees and adopted by the board.

Education Code 21.354(c)

A district may use the T-PESS to appraise campus administrators other than principals provided the school district makes appropriate modifications to ensure that the T-PESS rubric and components fit the job descriptions of the campus administrators other than principals evaluated with the T-PESS. A district using T-PESS for administrators other than principals shall evaluate administrators on the attainment and progress toward at least one goal, as referenced in 19 Administrative Code 150.1023 (relating to Appraisals, Data Sources, and Conferences). At least one goal shall be fo-

PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

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(LEGAL)

cused on the improvement of the administrator's practice, as captured in the T-PESS rubric indicators and descriptors.

Each school district wanting to select or develop a local appraisal system for campus administrators other than principals must use an appraisal process and performance criteria developed in consultation with the district- and campus-level committees established under Education Code 11.251; and adopted by the board.

Education Code 21.354(c)(2); 19 TAC 150.1028, 244.2(c)

APPRAISERS

A district using T-PESS for administrators other than principals or that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The school district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district. *19 TAC 244.2(c), .3*

SCHOOL
COUNSELORS

The commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors.
Education Code 21.356

CONFIDENTIALITY OF
EVALUATION

A document evaluating the performance of an administrator is confidential. *Education Code 21.355*

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LEGAL)

Note: For provisions regarding inventory and requisition of instructional materials, see CMD.

DEFINITIONS

“Instructional material” is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material. *Education Code 31.002(1)*

“Open-source instructional material” is electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material. *Education Code 31.002(1-a)*

“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

SBOE INSTRUCTIONAL
MATERIALS LIST

For each subject and grade level, the State Board of Education (SBOE) shall adopt a list of instructional materials.

The list includes each instructional material that meets applicable physical specifications and contains material covering at least half of the elements of the essential knowledge and skills of the subject and grade level. *Education Code 31.023(a)*

A district may requisition instructional materials on the SBOE's list for grades above the grade level in which the student is enrolled. *19 TAC 66.104(b)*

OPEN-SOURCE
INSTRUCTIONAL
MATERIAL

The SBOE shall place open-source instructional material for a secondary-level course submitted for adoption by an eligible institution on the list if it satisfies the requirements described in Education Code 31.0241. *Education Code 31.0241(b)*

COMMISSIONER
INSTRUCTIONAL
MATERIALS LIST

The commissioner of education, with input from the SBOE, shall adopt a list of:

1. Electronic instructional material; and

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LEGAL)

2. Material that conveys information to the student or otherwise contributes to the learning process, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through grade 5 and personal financial literacy in kindergarten through grade 8.

Education Code 31.0231(a)

SUPPLEMENTAL
INSTRUCTIONAL
MATERIALS LIST

The SBOE may adopt supplemental instructional materials that are not on the SBOE instructional materials list. Supplemental instructional material contains material covering one or more primary focal points or primary topics of a subject in the required curriculum but is not designed to serve as the sole textbook for a full course. *Education Code 31.035(a)*

LOCAL SELECTION

A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*

NOTICE TO SBOE

Each year, during a period established by the SBOE, a board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. *Education Code 31.101(a)*

FOUNDATION
CURRICULUM

For subjects in the foundation curriculum, a board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the commissioner's instructional materials list. *Education Code 31.101(a)(1)*

ENRICHMENT
CURRICULUM

For a subject in the enrichment curriculum, a board shall notify the SBOE of instructional material it selects from the instructional materials list, including the commissioner's instructional materials list, or that it selected instructional materials that do not appear on the list. *Education Code 31.101(a)(2)*

SUPPLEMENTAL
MATERIALS

A board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035 [see CMD]. If a board selects supplemental instructional materials, the district shall certify to TEA that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by the district, cover the essential knowledge and skills for the course. *Education Code 31.035(d), (f)*

OPEN-SOURCE
MATERIAL

A district may adopt state-developed open-source instructional material at any time, regardless of the instructional material review and adoption cycle. *Education Code 31.073(c)*

SPECIAL
EDUCATION

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instruc-

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LEGAL)

tional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*

DURATION OF
SELECTION
LISTED
MATERIALS

A district that selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the commissioner's instructional materials list may cancel the subscription and subscribe to new instructional material on the SBOE list or electronic instructional material on the commissioner's list before the end of the state contract period if:

1. The district has used the instructional material for at least one school year; and
2. TEA approves the change based on a written request to TEA by the district that specifies the reasons for changing the instructional material used by the district.

Education Code 31.101(e)

OTHER
MATERIALS

For instructional material that is not on the instructional materials list, a district must use the instructional material for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. *Education Code 31.101(d)*

CRIMINAL OFFENSE

A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

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

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

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LEGAL)

HUMAN SEXUALITY
MATERIALS

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council. *Education Code 28.004(e)* [See EHAA]

SPECIAL PROGRAMS
GIFTED AND TALENTED STUDENTS

EHBB
(LEGAL)

A district shall establish a process for identifying and serving gifted and talented students and shall establish a program for those students in each grade level. A district may establish a shared services arrangement with other districts. *Education Code 29.122*

DEFINITION

“Gifted and talented student” means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121

IDENTIFICATION

Students shall be identified as gifted/talented in accordance with a written policy that includes:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, to services provided for the gifted/talented program.
4. Provisions for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.
5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

19 TAC 89.1

LEARNING
OPPORTUNITIES

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.

SPECIAL PROGRAMS
GIFTED AND TALENTED STUDENTS

EHBB
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2. A continuum of learning experiences that leads to the development of advanced-level products and performances.
3. In-school, and when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year.
4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of GIFTED AND TALENTED EDUCATION.

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

TUITION-FREE

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

EXEMPTION

A district may apply to the commissioner of education ("commissioner") for an exemption from the requirement that it provide a free prekindergarten program if the district would be required to construct classroom facilities in order to provide the program.

DEFINITIONS

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

ELIGIBILITY

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law [see FD(LEGAL)], 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;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no

SPECIAL PROGRAMS
PREKINDERGARTEN

EHBG
(LEGAL)

longer on active duty, after the child begins the prekindergarten class.

NOTICE

A 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. The system must include public notices issued in English and Spanish.

HALF-DAY BASIS

A free prekindergarten class shall be operated on a half-day basis.

TRANSPORTATION

A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153

TUITION-
SUPPORTED
OR DISTRICT-
FINANCED

A 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.

A 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) (regarding PEIMS data for prekindergarten programs). A district must submit its proposed tuition rate to the commissioner for approval.

Education Code 29.1531

PROGRAM DESIGN

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

DAILY PHYSICAL
ACTIVITY

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to

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scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

HIGH-QUALITY
PREKINDERGARTEN
GRANT PROGRAM

From funds appropriated for that purpose, the commissioner shall establish a grant funding program under which funds are awarded to districts to implement a prekindergarten grant program under Education Code Chapter 29, Subchapter E-1 and 19 Administrative Code 102.1003.

A district may participate in and receive funding under the program if the district meets all program standards required under Subchapter E-1. A program is subject to any other requirements imposed by law that apply to a prekindergarten program.

Education Code 29.165

A district that receives funding under this grant shall maintain locally and provide at TEA's request the necessary documentation to ensure fidelity of high-quality prekindergarten program implementation. *19 TAC 102.1003(k)*

ELIGIBILITY FOR
FUNDING

All eligible districts may receive grant funding for each qualifying student in average daily attendance in a high-quality prekindergarten program in the district. A school district that receives the funding may use the funding only to improve the quality of the district's prekindergarten programs. Funding for each qualifying student in attendance for the entire instructional period on a school day shall not exceed \$1,500. *Education Code 29.166; 19 TAC 102.1003(a), (j)*

To be eligible to receive grant funding under the program, a district shall:

1. Implement a curriculum for a high-quality prekindergarten grant program that addresses all of the Texas Prekindergarten Guidelines (updated 2015) in the domains identified in 19 Administrative Code 102.1003(c);
2. Measure the progress of each student in meeting the recommended end of prekindergarten year outcomes identified in the Texas Prekindergarten Guidelines, and the preparation of each student for kindergarten using a kindergarten readiness

instrument for reading as described in Education Code 28.006.

3. Develop, implement, and make available on the district or campus website a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education.
[See FAMILY ENGAGEMENT PLAN below]

19 TAC 102.1003(c), (d), (f)

QUALIFYING
STUDENTS

A district receiving funds under the program must provide educational services to qualifying students. A student qualifies for additional funding if the student is four years of age on September 1 of the year the student begins the program and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is a homeless child, as defined by 42 U.S.C. § 11434a, 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 of the child;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Family Code 262.201.

Education Code 29.153(b); 19 TAC 102.1003(b)

CURRICULUM
REQUIREMENTS

A district shall select and implement a curriculum for a prekindergarten grant program that:

1. Includes the prekindergarten guidelines established by TEA;
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

The curriculum must address all of the Texas Prekindergarten Guidelines (updated 2015) in the domains identified in 19 Administrative Code 102.1003(c).

In a format prescribed by TEA, a district that receives funding under this grant shall report:

1. The curriculum used in the high-quality prekindergarten program classes as required by 19 Administrative Code 102.1003(c);
2. A description and the results of each prekindergarten instrument used in the high-quality prekindergarten program classes as required by 19 Administrative Code 102.1003(d);
3. A description of each kindergarten readiness instrument used in the district to measure the effectiveness of the district's high-quality prekindergarten program classes as required by 19 Administrative Code 102.1003(d); and
4. The results for at least 95 percent of the district's kindergarten students on the kindergarten readiness instrument.

Education Code 29.167(a); 19 TAC 102.1003(c), (g)

TEACHER
REQUIREMENTS

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child care program;
4. A graduate or undergraduate degree in early childhood education or early childhood special education;
5. Documented completion of the Texas School Ready Training Program; or
6. Be employed as a prekindergarten teacher in a district that has ensured that:
 - a. Prior to assignment in a prekindergarten class, teachers who provide prekindergarten instruction have completed at least 150 cumulative hours of documented professional development addressing all ten domains in the

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Texas Prekindergarten Guidelines that were approved prior to 2015 in addition to other relevant topics related to high-quality prekindergarten over a consecutive five-year period;

- b. Teachers who have not completed training required above prior to assignment in a prekindergarten class complete:
 - (1) The first 30 hours of 150 cumulative hours of documented professional development addressing all ten domains in the Texas Prekindergarten Guidelines (updated 2015) in addition to other relevant topics related to high-quality prekindergarten before the end of the 2016–17 school year; and
 - (2) Complete the additional hours in the subsequent four years in order to continue providing instruction in a high-quality prekindergarten classroom; and
- c. At least half of the hours required above shall include experiential learning, practical application, and direct interaction with specialists in early childhood education or instructional coaches.

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A school district must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for each 11 students.

Education Code 29.167; 19 TAC 102.1003(e), (i)

FAMILY
ENGAGEMENT
PLAN

A district shall develop and implement a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education.

An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan must be based on family engagement strategies established by TEA as set out in 19 Administrative Code 102.1003(f).

Education Code 29.168; 19 TAC 102.1003(f)

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(LEGAL)

PROGRAM
EVALUATION

A school district shall:

1. Select and implement appropriate methods for evaluating the district's program classes by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

Education Code 29.169; 19 TAC 102.1003(h)

ELIGIBLE PRIVATE
PROVIDERS

A district participating in the grant program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a school district. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a pre-kindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1.

Education Code 29.171

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PREKINDERGARTEN
EXPANSION GRANT

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

Education Code 29.155

READY TO READ
GRANT

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based prereading instruction for the purpose of directly improving prereading skills and for identifying cost-effective models for prereading intervention. Grants funds shall be used for:

1. Professional staff development in prereading instruction;
2. Prereading curriculum and materials;
3. Prereading skills assessment materials; and
4. Employment of prereading instructors.

Education Code 29.157

STATEWIDE
INFORMATION
REFERRAL
NETWORK

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child care and education services" includes child-care and education services provided by a school district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

SPECIAL PROGRAMS
PREKINDERGARTEN

EHBG
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On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312(c)–(e)

SHARED SITE

Before establishing a new prekindergarten program, a 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*

PRE-K LICENSING
STANDARDS

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

ALTERNATIVE METHODS FOR EARNING CREDIT
COLLEGE COURSE WORK/DUAL CREDIT

EHDD
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NOTICE TO PARENTS Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs. The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's Internet website.

Education Code 28.010

Note: For information on dual credit courses available through the Texas Virtual School Network (TxVSN), see EHDE and www.txvsn.org.

**COLLEGE CREDIT
PROGRAM**

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to TEA:

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board; and

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2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A district is not required to pay a student's tuition or other associated costs for taking a course under this section.

Education Code 28.009

COLLEGE-LEVEL
COURSES

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

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

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

19 TAC 74.25

DUAL CREDIT
PROGRAMS
DEFINITIONS

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

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

19 TAC 4.83(2), (4)

PARTNERSHIP
AGREEMENTS WITH
PUBLIC COLLEGES

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

ALTERNATIVE METHODS FOR EARNING CREDIT
COLLEGE COURSE WORK/DUAL CREDIT

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COMMUNITY COLLEGE JURISDICTION	<p>A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008. <i>Education Code 130.008(d)</i></p>
STUDENT ELIGIBILITY	<p>A high school student is eligible to enroll in academic dual credit courses and workforce education dual credit courses as permitted by 19 Administrative Code 4.85(b).</p> <p>To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).</p> <p>An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.</p> <p>An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.</p> <p><i>19 TAC 4.85(b)</i></p>
QUALIFIED INSTRUCTOR	<p>A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:</p> <ol style="list-style-type: none">1. A doctoral or master's degree in the discipline that is the subject of the course;2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:<ol style="list-style-type: none">a. A degree described above;b. A baccalaureate degree in the discipline that is the subject of the course; orc. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the Texas Higher Education Coordinating Board. <p>Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed</p>

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by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

ATTENDANCE
ACCOUNTING

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

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 42.0052(a)*

REPORTING OFF-
CAMPUS
PROGRAMS

A district may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (relating to High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the Student Attendance Accounting Handbook;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the Texas Higher Education Coordinating Board in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 42.0052(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 42.005(h)*

ALTERNATIVE METHODS FOR EARNING CREDIT
COLLEGE COURSE WORK/DUAL CREDIT

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PARTNERSHIP
AGREEMENT

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

The partnership agreement must address:

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

19 TAC 4.84-.85

INSTRUCTIONAL
PARTNERSHIPS WITH
COMMUNITY COLLEGE
DISTRICTS

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see HIGH SCHOOL CREDIT-ONLY COURSES, below).
2. Award of Dual Credit (see DUAL CREDIT PROGRAMS, above).
3. Tech-Prep Programs (see TECH-PREP PROGRAMS, below).
4. Remedial or Developmental Instruction for High School Graduates (see REMEDIAL PROGRAMS, below).
5. College Preparatory Courses for High School Students (see COLLEGE PREPARATORY COURSES, below)

19 TAC 9.143

AGREEMENT

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.

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5. Eligible courses.
6. Grading criteria.
7. Transcribing of credit.
8. Funding provisions.

19 TAC 9.144

HIGH SCHOOL
CREDIT-ONLY
COURSES

A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*

TECH-PREP
PROGRAMS

A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*

REMEDIAL
PROGRAMS

A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college.

Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (relating to Assessment Instruments).

High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (relating to Assessment Instruments).

The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit.

Education Code 130.090; 19 TAC 9.125, .143(d), .146

ALTERNATIVE METHODS FOR EARNING CREDIT
COLLEGE COURSE WORK/DUAL CREDIT

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COLLEGE PREPARATORY COURSES	College Preparatory Courses are locally developed through a memorandum of understanding created between school districts and community colleges. <i>19 TAC 9.147</i>
CERTAIN ACADEMIES	A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). <i>Education Code 28.024</i>

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

SECTION I	High School Diploma	pages 2–5
	1. Individual Graduation Committee (IGC)	
	2. Special Education	
	3. Posthumous Diploma	
	4. Diplomas for Veterans	
SECTION II	Personal Graduation Plan (PGP)	pages 6–7
	1. Junior High or Middle School PGP	
	2. High School PGP	
SECTION III	Early Graduation	page 7
SECTION IV	State Graduation Requirements	pages 8–18
	1. Students Entering Grade 9 in the 2014–15 School Year	
	2. Performance Acknowledgements	
	3. Transition to the Foundation High School Program	
	4. Students Who Entered Grade 9 Before the 2014–15 School Year	
SECTION V	Transfers from Out-of-State or Nonpublic Schools	page 18
SECTION VI	Graduation of Students Receiving Special Education Services	pages 18–22
	1. Definitions	
	2. Summary of Academic Achievement and Evaluation	
SECTION VII	Graduation of Military Dependents	pages 22–23
	1. Course Waiver	
	2. Transfers During Senior Year	
	3. Substitute Passing Standard	
SECTION VIII	Graduation of Student Who Is Homeless or in Conservatorship of DFPS	page 23

SECTION I: HIGH SCHOOL DIPLOMA

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

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

Education Code 28.025(c)

Note: Education Code 28.0258 related to individual graduation committees expires September 1, 2017.

INDIVIDUAL
GRADUATION
COMMITTEE

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

For each 11th or 12th grade student who has failed to comply with the end-of-course (EOC) assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate before the student's 12th grade year. A student may graduate by means of an IGC if the student has qualified for an IGC and the IGC convened prior to September 1, 2017.

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

In order for a student to be included as a graduate in the district's graduation data in the school year in which the student meets the requirements provided by law to graduate under IGC provisions, an IGC must make a decision to award a diploma no later than August 31 immediately following that school year. A student who graduates as a result of an IGC decision after August 31 shall be reported in the subsequent year's graduation data.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and

shall implement the original IGC recommendations to the extent possible.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
 - a. The student's parent or person standing in parental relation to the student;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area as an alternate member of the committee.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

Education Code 28.0258(a), (c), (c-2); 19 TAC 74.1025(c)–(e), (g), (l)

NOTICE

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or e-mail; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

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CURRICULUM REQUIREMENTS	To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See SECTION IV, below] <i>Education Code 28.0258(e)</i>
ADDITIONAL REQUIREMENTS TO GRADUATE	<p>A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:</p> <ol style="list-style-type: none">1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area. <p>A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.</p> <p><i>Education Code 28.0258(f), (g)</i></p> <p>In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. <i>Education Code 28.0258(i)</i></p>
PEIMS REPORTING	<p>Each district shall report through PEIMS the following:</p> <ol style="list-style-type: none">1. The number of students each school year for which an IGC is established; and2. The number of students each school year who are awarded a diploma based on the decision of an IGC.
DOCUMENTATION	A district shall maintain documentation to support the decision of the IGC to award or not award a student a high school diploma.
SPECIAL EDUCATION	<p>A student receiving special education services is not subject to the IGC requirements. As provided in 19 Administrative Code 89.1070 and 19 Administrative Code 101.3023, a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.</p> <p><i>19 TAC 74.1025(i)–(k), (m)</i></p>

ACADEMIC ACHIEVEMENT
GRADUATION

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(LEGAL)

ENGLISH LANGUAGE LEARNERS	For provisions related to an IGC and English language learners (ELL), see EKB(LEGAL).
SPECIAL EDUCATION	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. [See SECTION VI: GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, below, and EKB] <i>19 TAC 101.3023(a)</i>
POSTHUMOUS DIPLOMA	Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to a student who died while enrolled in the district at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died. "School year" includes any summer session following the spring semester.
EXCEPTION	A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code. <i>Education Code 28.0254</i>
DIPLOMAS FOR VETERANS	Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in: <ol style="list-style-type: none">1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq. <i>Education Code 28.0251</i>

SECTION II: PERSONAL GRADUATION PLAN

JUNIOR HIGH OR
MIDDLE SCHOOL PGP

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

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

A PGP must:

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

Education Code 28.0212

STUDENTS
RECEIVING
SPECIAL
EDUCATION
SERVICES

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

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

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

HIGH SCHOOL PGP

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

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

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

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

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

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

SECTION III: EARLY GRADUATION

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

SECTION IV: STATE GRADUATION REQUIREMENTS

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

STUDENTS ENTERING
GRADE 9 IN THE 2014–
15 SCHOOL YEAR

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

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

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

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

FOUNDATION HIGH
SCHOOL PROGRAM

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

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

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8. Elective courses—5 credits.

19 TAC 74.12

ENDORSEMENTS

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

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

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

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

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

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

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

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

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

Education Code 28.025; 19 TAC 74.13

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EXCEPTION	<p>A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:</p> <ol style="list-style-type: none">1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement. <p><i>19 TAC 74.11(d)</i></p>
DISTINGUISHED LEVEL OF ACHIEVEMENT	<p>A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. <i>19 TAC 74.11(e)</i></p>
PREREQUISITES	<p>A student may not be enrolled in a course that has a required prerequisite unless:</p> <ol style="list-style-type: none">1. The student has completed the prerequisite course(s);2. The student has demonstrated equivalent knowledge as determined by the district; or3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course. <p>A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.</p> <p><i>19 TAC 74.11(j), (k)</i></p>
COLLEGE COURSES	<p>Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. <i>19 TAC 74.11(i)</i></p>

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

PHYSICAL
EDUCATION
SUBSTITUTIONS

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See RESTRICTIONS, below]

OTHER PHYSICAL
ACTIVITY

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

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

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

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

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GRADUATION

EIF
(LEGAL)

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

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

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

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

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

COMMUNITY-BASED FINE ARTS PROGRAMS In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;

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GRADUATION

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3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

PERFORMANCE
ACKNOWLEDGMENTS

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

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;
 - c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace;
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

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

ACADEMIC ACHIEVEMENT
GRADUATION

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(LEGAL)

TRANSITION TO
FOUNDATION HIGH
SCHOOL PROGRAM

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

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

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

19 TAC 74.1021

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

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

MINIMUM HIGH
SCHOOL PROGRAM

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

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

STUDENTS WITH
DISABILITIES

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

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GRADUATION

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APPLICABILITY	<p>A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.</p> <p><i>19 TAC 74.61(c), (d), .71(c), (d)</i></p>
REQUIREMENTS	<p>A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
RECOMMENDED HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.</p> <p><i>Education Code 28.025; 19 TAC 74.63, .73</i></p>
ADVANCED / DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.</p> <p><i>Education Code 28.025; 19 TAC 74.64, .74</i></p>
SUBSTITUTIONS	<p>No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i></p>

ACADEMIC ACHIEVEMENT
GRADUATION

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(LEGAL)

AP OR IB COURSES	College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.61(k), .71(i)</i>
READING	<p>A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:</p> <ol style="list-style-type: none">1. Adopts policies to identify students in need of additional reading instruction;2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and3. Monitors instructional activities to ensure that student needs are addressed. <p>Reading credits may be selected from Reading I, II, or III.</p> <p><i>19 TAC 74.61(h), .71(f)</i></p>
COLLEGE COURSES	A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. <i>Education Code 28.002(b-7); 19 TAC 74.61(l), .71(j)</i>
PHYSICAL EDUCATION SUBSTITUTIONS	In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:
OTHER PHYSICAL ACTIVITY	<ol style="list-style-type: none">1. Athletics;2. JROTC; and3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:<ol style="list-style-type: none">a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level

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may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

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

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

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

RESTRICTIONS

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

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

STUDENT WITH
DISABILITY OR
ILLNESS

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

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

must follow the same procedures required of an ARD or a Section 504 committee.

STUDENT WITH
PHYSICAL
LIMITATIONS

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

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

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

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

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

DEFINITIONS

MODIFIED
CURRICULUM AND
CONTENT

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

EMPLOYABILITY
AND SELF-HELP
SKILLS

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

SUMMARY OF
ACADEMIC
ACHIEVEMENT AND
EVALUATION

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no

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longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated.

STUDENTS
ENTERING GRADE 9
IN OR AFTER THE
2014–15 SCHOOL
YEAR

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
 - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

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- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

ENDORSEMENTS

A student receiving special education services may earn an endorsement if the student:

1. Satisfactorily completes the requirements for graduation under the foundation high school program as well as the additional credit requirements in mathematics, science, and elective courses with or without modified curriculum;
2. Satisfactorily completes the courses required for the endorsement without any modified curriculum; and
3. Performs satisfactorily on the required state assessments.

A student in grade 11 or 12 receiving special education services during the 2014–15, 2015–16, or 2016–17 school year who has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements of items 1 and 2 above.

In order for a student receiving special education services to use a course to satisfy both a requirement under the foundation high school program and a requirement for an endorsement, the student must satisfactorily complete the course without any modified curriculum.

STUDENTS
ENTERING GRADE 9
BEFORE THE 2014–
15 SCHOOL YEAR

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see ENDORSEMENTS, above].

ACADEMIC ACHIEVEMENT
GRADUATION

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A student receiving special education services in 11th or 12th grade during the 2014–15, 2015–16, or 2016–17 school year who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See SPECIAL EDUCATION, above, and EKB]

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.
2. The student is in grade 11 or 12 during the 2014–15, 2015–16, or 2016–17 school year and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's

ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

- a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;
- b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district;
- c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b)-(l)

SECTION VII: GRADUATION OF MILITARY DEPENDENTS

COURSE WAIVER

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

TRANSFERS DURING SENIOR YEAR

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

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SUBSTITUTE PASSING
STANDARD

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

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

**SECTION VIII: GRADUATION OF STUDENT WHO IS HOME-
LESS OR IN CONSERVATORSHIP OF DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. "Student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a. *Education Code 28.025(i)*

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

SECTION F: STUDENTS

FA	STUDENT GOALS AND OBJECTIVES
FB	EQUAL EDUCATIONAL OPPORTUNITY
FBA	Service Animals
FC	SCHOOL ATTENDANCE AREAS
FD	ADMISSIONS
FDA	Interdistrict Transfers
FDAA	Public Education Grants
FDB	Intradistrict Transfers and Classroom Assignments
FDC	Homeless Students
FDD	Military Dependents
FDE	School Safety Transfers
FE	ATTENDANCE
FEA	Compulsory Attendance
FEB	Attendance Accounting
FEC	Attendance for Credit
FED	Attendance Enforcement
FEE	Open/Closed Campus
FEF	Released Time
FF	STUDENT WELFARE
FFA	Wellness and Health Services
FFAA	Physical Examinations
FFAB	Immunizations
FFAC	Medical Treatment
FFAD	Communicable Diseases
FFAE	School-Based Health Centers
FFAF	Care Plans
FFB	Crisis Intervention
FFC	Student Support Services
FFD	Student Insurance
FFE	Student Assistance Programs/Counseling
FFEA	Comprehensive Guidance Program
FFEB	Substance Abuse
FFF	Student Safety
FFFA	Supervision of Students
FFFB	Safety Patrols
FFFD	Bicycle/Automobile Use
FFFF	School Buses
FFG	Child Abuse and Neglect
FFH	Freedom from Discrimination, Harassment, and Retaliation
FFI	Freedom from Bullying
FG	STUDENT AWARDS AND SCHOLARSHIPS

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

SECTION F: STUDENTS

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

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

EXCUSED ABSENCES

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

HIGHER
EDUCATION VISITS

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

EARLY VOTING OR
ELECTION CLERK

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

WITHDRAWAL FOR
NONATTENDANCE

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

STUDENTS
ATTENDING
HOMESCHOOLS

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

ENFORCING
COMPULSORY
ATTENDANCE

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may

investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

ATTENDANCE
ATTENDANCE ACCOUNTING

FEB
(LEGAL)

RECORDS

A district shall maintain records to reflect the average daily attendance for the allocation of Foundation School Program (FSP) funds and other funds allocated by TEA. The district must maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner of education. The superintendent, principals, and teachers are responsible to the board and the state to maintain accurate, current attendance records. *19 TAC 129.21(a), (e)*

Districts shall use the student attendance accounting standards established by the commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA's *Student Attendance Accounting Handbook (SAAH)*. *19 TAC 129.1025*

A superintendent is responsible for the safekeeping of all attendance records and reports. A superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of a district, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by TEA. *19 TAC 129.21(d)*

MINIMUM
ENROLLMENT

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

FULL-DAY
STUDENTS

Students enrolled on a full-day basis may earn one full day of attendance each school day.

HALF-DAY
STUDENTS

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.

ALTERNATIVE
ATTENDANCE
ACCOUNTING
PROGRAM

Students who are enrolled in and participating in an alternative attendance accounting program approved by the commissioner shall earn attendance according to the statutory and rule provisions applicable to that program.

ATTENDANCE FOR
STATE FUNDING
PURPOSES

Attendance for all grades shall be determined by the absences recorded in the second or fifth instructional hour of the day, unless the board adopts a policy, or delegates to the superintendent the authority to establish procedures for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

ATTENDANCE
ATTENDANCE ACCOUNTING

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(LEGAL)

The established period in which absences are recorded may not be changed during the school year.

Students absent during the daily period selected by a district for taking attendance shall be counted absent for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program. Students present at the time attendance is taken shall be counted present for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

19 TAC 129.21(g)–(h)

A student in a disciplinary alternative education program shall be counted in computing the average daily attendance of students in a district for the student's time in actual attendance in the program.
Education Code 37.008(f)

FUNDING FOR OFF-
CAMPUS PROGRAMS

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *SAAH*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

19 TAC 129.1031(c), (d) [See EHDD]

EXCEPTIONS

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

1. The student is participating in a board-approved activity under the direction of a member of a district's professional or paraprofessional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in TRS.
[See FM]
2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Advanced/Distinguished

ATTENDANCE
ATTENDANCE ACCOUNTING

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(LEGAL)

Achievement Program outlined in 19 Administrative Code Chapter 74.

3. The student is absent for one of the purposes listed at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS in FEA(LEGAL).
4. The student is in attendance at a dropout recovery education program, including a program operated by a public junior college under Education Code 29.402. [See GNC]
5. The student's absence is permitted by other conditions related to off-campus instruction described in the *SAAH*.

Education Code 25.087, 29.081(e), (f); 19 TAC 129.21(i)–(k)

DISASTERS

The commissioner shall adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner shall make the adjustment required by this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Education Code 42.0051

PARENTAL CONSENT
TO LEAVE CAMPUS

Before a district may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the board shall adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus and the district must distribute the policy or procedures to staff and to all parents of students in the district. *19 TAC 129.21(l)*

STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

FFA
(LEGAL)

WELLNESS POLICY	Each district must establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast program under the jurisdiction of the district. The local school wellness policy is a written plan that includes methods to promote student wellness, prevent and reduce childhood obesity, and provide assurance that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum federal standards. <i>7 C.F.R. 210.30(a)</i>
"SCHOOL DAY"	"School day" means the period from the midnight before, to 30 minutes after the end of the official school day. <i>7 C.F.R. 210.11(a)(5)</i>
"SCHOOL CAMPUS"	"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day. <i>7 C.F.R. 210.11(a)(4)</i>
CONTENTS	<p>At a minimum, a local school wellness policy must contain:</p> <ol style="list-style-type: none">1. Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing these goals, a district must review and consider evidence-based strategies and techniques;2. Standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the district;3. Standards and nutrition guidelines for all foods and beverages sold to students during the school day on each participating school campus under the jurisdiction of the district that<ol style="list-style-type: none">a. Are consistent with applicable requirements set forth in <i>7 C.F.R. 210.10</i> (meal requirements for lunches and after-school snacks) and <i>220.8</i> (meal requirements for breakfasts);b. Are consistent with the nutrition standards set forth under <i>7 C.F.R. 210.11</i> (competitive food service and standards);c. Permit marketing on the school campus during the school day of only those foods and beverages that meet the nutrition standards under <i>7 C.F.R. 210.11</i>; andd. Promote student health and reduce childhood obesity;4. Identification of the position of the district or school official(s) responsible for the implementation and oversight of the local

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WELLNESS AND HEALTH SERVICES

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school wellness policy to ensure each school's compliance with the policy;

5. A description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy; and
6. A description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public as required below.

PUBLIC
INVOLVEMENT AND
NOTIFICATION

A district must:

1. Permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy.
2. Inform the public about the content and implementation of the local school wellness policy, and make the policy and any updates available to the public annually.
3. Inform the public about progress toward meeting the goals of the local school wellness policy and compliance with the local school wellness policy by making the triennial assessment, as required at item 2 under IMPLEMENTATION ASSESSMENTS AND UPDATES below, available to the public in an accessible and easily understood manner.

IMPLEMENTATION
ASSESSMENTS AND
UPDATES

A district must:

1. Designate one or more district or school officials to ensure that each participating school complies with the local school wellness policy.
2. At least once every three years, assess schools' compliance with the local school wellness policy, and make assessment results available to the public. The assessment must measure the implementation of the local school wellness policy, and include:

STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

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- a. The extent to which schools under the jurisdiction of the district are in compliance with the local school wellness policy;
 - b. The extent to which the district's local school wellness policy compares to model local school wellness policies; and
 - c. A description of the progress made in attaining the goals of the local school wellness policy.
3. Make appropriate updates or modifications to the local school wellness policy, based on the triennial assessment.

RECORDKEEPING

A district must retain records to document compliance with the requirements of this policy. These records include, but are not limited to:

1. The written local school wellness policy;
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public as required at IMPLEMENTATION ASSESSMENTS AND UPDATES above; and
3. Documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction.

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, sec. 204, 124 Stat. 3183 (2010) [42 U.S.C. 1758b]; 7 C.F.R. 210.30(c)–(f)

[See CO for requirements relating to food services management, EHAA for state law requirements relating to health education, and FJ for requirements relating to food and beverage fundraisers.]

CHANGE IN HEALTH
SERVICES

Before a district or a school may expand or change the health-care services available at a school in the district from those that were available on January 1, 1999, the board must:

1. Hold a public hearing at which the board provides an opportunity for public comment and discloses all information on the proposed health-care services, including:
 - a. All health-care services to be provided;
 - b. Whether federal law permits or requires any health-care service provided to be kept confidential from parents;
 - c. Whether a child's medical records will be accessible to the parent;

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- d. Information concerning grant funds to be used;
 - e. The titles of persons who will have access to the medical records of a student; and
 - f. The security measures that will be used to protect the privacy of students' medical records.
2. Approve the expansion or change by a record vote.

Education Code 38.012

WELLNESS AND HEALTH SERVICES
PHYSICAL EXAMINATIONS

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PHYSICAL FITNESS
ASSESSMENT

Annually, a district shall assess the physical fitness of students in grade 3 or higher in a course that satisfies the curriculum requirements for physical education under Education Code 28.002(a)(2)(C), using an assessment instrument adopted by the commissioner of education (currently FitnessGram®). *Education Code 38.101(a), .102(a)*

A district is not required to assess a student for whom, as a result of disability or other condition identified by commissioner rule, the assessment instrument is inappropriate. *Education Code 38.101(b)*

The assessment instrument must be based on factors related to student health, including aerobic capacity; body composition; and muscular strength, endurance, and flexibility, unless a particular factor is inappropriate for that student because of a health classification defined in 19 Administrative Code 74.31 [see EHAA]. *Education Code 38.102(b)(1); 19 TAC 103.1001(b)*

REPORT

A district shall provide the results of individual student performance on the physical fitness assessment to TEA. The results may not contain the names of individual students or teachers or a student's social security number or date of birth.

CONFIDENTIALITY

The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

Education Code 38.103

A district may accept donations made to facilitate implementation of this subchapter. *Education Code 38.105*

VISION AND HEARING
SCREENING

As soon as possible after admission and within a period set by rule, a student required to be screened shall undergo approved screening for vision and hearing disorders and any other special senses and communication disorders specified by the Texas Department of State Health Services (TDSHS). *Health and Safety Code 36.005(a)*

DISTRICT
RESPONSIBILITY

A superintendent shall ensure that each student admitted to a district complies with the screening requirements set by TDSHS or submits an affidavit of exemption (see below). *Health and Safety Code 36.005(c)*

SCREENING
SCHEDULE

ROUTINE
SCREENING

Children enrolled in prekindergarten and kindergarten must be screened each year within 120 days of enrollment. Children enrolled in the first, third, fifth, and seventh grades must receive vision and hearing screening in each of those grade years (can be done at any time during each of those years). Upon written re-

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	quest approved by TDSHS, the screening of vision and hearing may instead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades. <i>25 TAC 37.25(a)(2), (3), (6)</i>
SCREENING ON ENROLLMENT	Students four years of age and older, who are enrolled in a district for the first time, must be screened for possible vision and hearing problems within 120 calendar days of enrollment. If the student is enrolled within 60 days of the date school closes for the summer, the student must be tested within 120 days of the beginning of the following school year. Students enrolled who turn four years of age after September 1 of that year are exempt from screening until the following September. <i>25 TAC 37.25(a)(1), (5)</i>
OUTSIDE SCREENING	Except for students enrolled in prekindergarten, kindergarten, or first grade, a district shall exempt a student from screening if the student's parent, managing conservator, or legal guardian, or the student under Family Code 32.003 submits a record showing that a professional examination was properly conducted during the grade year in question or during the previous year. The record must be submitted during the grade year in which the screening would otherwise be required. <i>25 TAC 37.25(a)(4)</i>
PROVISIONAL ADMISSION	A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening (or that a licensed professional shall conduct an examination) as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. <i>25 TAC 37.25(b)</i>
EXEMPTION — RELIGIOUS BELIEFS	A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit on or before the day of admission an affidavit stating the objections to screening. <i>Health and Safety Code 36.005(b); 25 TAC 37.25(c)</i>
RECORDS	A superintendent shall maintain on a form prescribed by TDSHS in accordance with TDSHS rules, screening records for each student in attendance, and the records are open for inspection by TDSHS or the local health department. <i>Health and Safety Code 36.006; 25 TAC 37.26</i>
TRANSFER OF RECORDS	A student's screening records may be transferred among districts without the consent of the student or minor student's parent, managing conservator, or guardian. <i>Health and Safety Code 36.006(c); 25 TAC 37.26(b)(4)</i>

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ANNUAL REPORT	On or before June 30 of each year, a district shall submit to TDSHS a report on the vision and hearing screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. <i>Health and Safety Code 36.006(d); 25 TAC 37.26(b)(6)</i>
RISK ASSESSMENT FOR TYPE 2 DIABETES	<p>As soon as possible after admission and as required by rule, each student required to be assessed shall undergo approved risk assessment for type 2 diabetes. The risk assessment should:</p> <ol style="list-style-type: none">1. Identify students with acanthosis nigricans; and2. Further assess students identified under paragraph 1 to determine the students':<ol style="list-style-type: none">a. Body mass index; andb. Blood pressure. <p>The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed.</p> <p><i>Health and Safety Code 95.002(d), .003(a)</i></p>
DISTRICT RESPONSIBILITY	A superintendent shall ensure that each student admitted to a district complies with the risk assessment requirements or submits an affidavit of exemption. <i>Health and Safety Code 95.003(c)</i>
APPLICABILITY	Students who attend public schools located in TEA Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 shall be subject to risk assessment. <i>Health and Safety Code 95.002(b)</i>
OUTSIDE SCREENING	The student or minor student's parent, managing conservator, or guardian may substitute a professional examination for the risk assessment. <i>Health and Safety Code 95.003(a)</i>
EXEMPTION — RELIGIOUS BELIEFS	A student is exempt from risk assessment if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the risk assessment process an affidavit stating the objections to the risk assessment. <i>Health and Safety Code 95.003(b)</i>
RECORDS	A superintendent shall maintain the risk assessment records for each student in attendance and enter the risk assessment information for each student on the surveillance software selected by the University of Texas—Pan American Border Health Office (the Office). The risk assessment records are open for inspection by

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	the Office or the local health department. <i>Health and Safety Code 95.004(a)</i>
TRANSFER OF RECORDS	A student's risk assessment records may be transferred among schools without the consent of the student, or, if the student is a minor, the student's parent, managing conservator, or guardian. <i>Health and Safety Code 95.004(c)</i>
ANNUAL REPORT	A district shall submit to the Office an annual report on the risk assessment status of the students in attendance during the reporting year and shall include in the report any other required information. <i>Health and Safety Code 95.004(e)</i>
SPINAL SCREENING	Each student required by TDSHS rule to be screened shall undergo approved screening for abnormal spinal curvature. <i>Health and Safety Code 37.002(a)</i>
DISTRICT RESPONSIBILITY	A superintendent shall ensure that each student admitted to a district complies with the screening requirements or submits an affidavit of exemption (see below). <i>Health and Safety Code 37.002(c), 25 TAC 37.144(b)</i>
SCREENING SCHEDULE	
ROUTINE SCREENING	Students in grades 6 and 9 shall be screened for abnormal spinal curvature before the end of the school year. The screening requirement for students entering grades 6 or 9 may be met if the student has been screened for spinal deformities during the previous year. <i>25 TAC 37.144(b)(1), (2)</i>
SCREENING ON ENROLLMENT	If a student is enrolled within 60 days of the date a school closes for the summer, the student's screening must be conducted within 120 days of the beginning of the following school year. Districts may offer a student enrolling in grades 10, 11, or 12 the opportunity for spinal screening if the student has no record of having been screened previously. <i>25 TAC 37.144(b)(3), (4)</i>
OUTSIDE SCREENING	The screening requirements may also be met by a professional examination as defined in 25 Administrative Code 37.142(7). <i>25 TAC 37.144(b)(1)</i>
PROVISIONAL ADMISSION	A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. The 60-day time period is from November 30 to January 30 of each school year. <i>25 TAC 37.144(c)</i>
EXEMPTION — RELIGIOUS BELIEFS	A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of

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	<p>which the student is an adherent or a member. To qualify for the exemption, the student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the screening procedure an affidavit stating the objections to screening. <i>Health and Safety Code 37.002(b); 25 TAC 37.144(d)</i></p>
RECORDS	<p>A district must comply with recordkeeping and reporting requirements set out in 25 Administrative Code 37.145(b).</p>
TRANSFER OF RECORDS	<p>Spinal screening records are transferrable between districts if written consent of the student or minor student's parent, managing conservator, or legal guardian is obtained.</p> <p><i>25 TAC 37.145(b)(3)</i></p>
REPORT OF ABNORMALITY	<p>If the spinal screening indicates that a student may have abnormal spinal curvature, the individual performing the screening shall fill out a report on a form prescribed by TDSHS.</p> <p>The superintendent shall retain one copy of the report and shall mail one copy to the parent, managing conservator, or guardian of the individual screened.</p> <p><i>Education Code 37.003</i></p>
ANNUAL REPORT	<p>On or before June 30 of each year, a district shall submit to TDSHS a report on the spinal screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. <i>25 TAC 37.145(b)(5)</i></p>
POLICY	<p>As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (DOE), a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the administration of physical examinations or screenings that a district may administer to the student. <i>20 U.S.C. 1232h(c)(1)(D)</i></p> <p>A district shall provide notice of the policies at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies. <i>20 U.S.C. 1232h(c)(2)(A)(i)</i></p> <p>A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). <i>20 U.S.C. 1232h(c)(3)</i></p>
NOTIFICATION AND OPT-OUT	<p>At least annually at the beginning of the school year, a district shall directly notify the parent of a student of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening, described below, is scheduled or expected to be scheduled. The required notification applies to</p>

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nonemergency, invasive physical examinations or screenings that are:

1. Required as a condition of attendance;
2. Administered and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, a district shall offer an opportunity for the parent to opt the student out of participation in the examination or screening. *20 U.S.C. 1232h(c)(2)(A)(iii), (C)(iii)*

EXCEPTION

These provisions do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification. *20 U.S.C. 1232h(c)(4)(B)(ii)*

[See EF]

WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

FFAB
(LEGAL)

IMMUNIZATION
REQUIREMENTS

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Department of State Health Services (TDSHS) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*

Students in kindergarten through twelfth grade shall have the following additional vaccines, according to the immunization schedules set forth in TDSHS regulations: pertussis, hepatitis B, hepatitis A, and varicella (chickenpox). TDSHS requires students enrolling in seventh through twelfth grades to have one dose of meningococcal vaccine on or after the student's 11th birthday.

25 TAC 97.63

Note: For immunization requirements, see TDSHS's website at <http://www.dshs.texas.gov/immunize/school/default.shtm#requirements>. For TDSHS's recommended immunization schedule, see http://www.dshs.texas.gov/immunize/Schedule/schedule_child.shtm.

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. 25 TAC 97.72

IMMUNIZATION
AWARENESS
PROGRAM

A district that maintains an Internet website shall post prominently on the website:

1. A list, in English and Spanish, of:
 - a. The immunizations required by TDSHS for admission to public school;
 - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
 - c. Health clinics in the district that offer the influenza vaccine, to the extent those clinics are known to the district; and
2. A link to the TDSHS Internet website where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must

WELLNESS AND HEALTH SERVICES
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be presented in the same manner as the information provided under paragraph 1.

Education Code 38.019

APPLICABILITY

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to a district. *25 TAC 97.61(a)*

EXCEPTIONS

Immunization is not required for admission to a district:

1. If the student submits to the admitting official:

MEDICAL
REASONS

- a. An affidavit or a certificate signed by a physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student.

The affidavit or certificate must state that, in the physician's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

or

REASONS OF
CONSCIENCE

- b. An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

or

MILITARY DUTY

2. If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d)(2), .0041; 25 TAC 97.62

WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

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(LEGAL)

PROVISIONAL ADMISSION	A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.
COMPLETION OF VACCINATIONS	To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to a district.
REVIEW OF STATUS	<p>A school nurse or school administrator shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and a district shall exclude the student from school attendance until the required dose is administered.</p> <p><i>Education Code 38.001(e); 25 TAC 97.66(a); Atty. Gen. Op. GA-178 (2004)</i></p>
HOMELESS STUDENT	A student who is homeless, as defined in the McKinney-Vento Homeless Assistance Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. [See FD and FDC] 25 TAC 97.66(b); 42 U.S.C. 11302
CHILD IN FOSTER CARE	A student who is a "child in foster care" as defined by 45 C.F.R. 1355.20(a) shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. [See FD] 25 TAC 97.66(c)
TRANSFER STUDENTS	A student can be enrolled provisionally for no more than 30 days if the student transfers from one Texas school to another, and is awaiting the transfer of the immunization record. 25 TAC 97.69(a)
MILITARY DEPENDENTS	<p>A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. [See FDD]</p> <p>The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law.</p> <p><i>Education Code 162.002 art. IV, C; 25 TAC 97.69(b)</i></p>

WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

FFAB
(LEGAL)

EVIDENCE OF
IMMUNIZATION

A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to a district. 25 TAC 97.63(2)

Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel; immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp;
2. An official immunization record generated from a state or local health authority; or
3. A record received from school officials including a record from another state.

25 TAC 97.68

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection.

A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. [See the form on TDSHS's website at <http://www.dshs.texas.gov/immunize/docs/c-9.pdf>]

25 TAC 97.65

IMMUNIZATION
RECORDS

Not later than the 30th day after a parent or other person with legal control of a student under a court order enrolls the student in a district, the parent or other person, or the district in which the student most recently attended school, shall furnish to the district a record showing that the student has the required immunizations. *Education Code 25.002(a)(3), (a-1)*

Each district shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit or other assessment to be completed. The records shall be open for inspection at all reasonable times by TEA, local health departments, or the TDSHS. Immunization records may be maintained in paper and/or electronic form. *Education Code 38.002(a); 25 TAC 97.67*

WELLNESS AND HEALTH SERVICES
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TRANSFER OF RECORDS	Each district shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. <i>Education Code 38.002(b)</i>
ANNUAL REPORT	Districts shall submit annual reports of the immunization status of students, in a format prescribed by TDSHS, to monitor compliance with immunization requirements. All districts shall submit the report at the time and in the manner indicated in the instructions printed on the form. <i>Education Code 38.002(c); 25 TAC 97.71</i>
CONSENT TO IMMUNIZATION	<p>In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:</p> <ol style="list-style-type: none">1. A guardian of the child; and2. A person authorized under the law of another state or a court order to consent for the child. <p><i>Family Code 32.101(a)</i></p> <p>The district in which the child is enrolled may give consent to the immunization if:</p> <ol style="list-style-type: none">1. The persons listed above are not available; and2. The district has written authorization to consent from a person listed above. <p><i>Family Code 32.101(b)(5)</i></p> <p>A district may not consent for the child if it has actual knowledge that a person listed above has:</p> <ol style="list-style-type: none">1. Expressly refused to give consent to the immunization;2. Been told not to consent for the child; or3. Withdrawn a prior written authorization for the district to consent. <p><i>Family Code 32.101(c)</i></p>
CONSENT BY CHILD	<p>A child may consent to the child's own immunization for a disease if the child is pregnant or is the parent of a child and has actual custody of that child, and the Centers for Disease Control and Prevention recommend or authorize the initial dose of an immunization for that disease to be administered before seven years of age.</p> <p>Consent by a child to immunization is not subject to disaffirmance because of minority. A health-care provider or facility may rely on</p>

WELLNESS AND HEALTH SERVICES
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the written statement of the child containing the grounds on which the child has capacity to consent to the child's immunization.

Family Code 32.1011

DUTY TO PROVIDE
INFORMATION

A district that consents to immunization of a child shall provide the health-care provider with sufficient and accurate health history and other information as set forth in Family Code 32.101(e).

FORM OF CONSENT

Consent to immunization must meet the requirements of Family Code 32.002(a). [See FFAC] A district has the responsibility to ensure that the consent, if given, is an informed consent. A district is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

Family Code 32.101(f), .102

LIABILITY

A district consenting to immunization of a child is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from the district's own acts of negligence. *Family Code 32.103*

STUDENT FUNDRAISING

FJ
(LEGAL)

FOOD AND BEVERAGE
FUNDRAISERS

Schools that participate in the National School Lunch Program under 42 U.S.C. Section 1751, et seq., or the School Breakfast Program under 42 U.S.C. Section 1773, may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. 4 TAC 26.2 [See CO and FFA]

STUDENT FUNDRAISING

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(LOCAL)

Administrative regulations shall address student fundraising plans, approval of fundraising activities, and any required reporting on fundraisers by campus administrators.

With at least one employee managing each project, students representing their school or the District may participate in approved fundraising to benefit the District or a nonschool, charitable organization. Participation shall be voluntary and shall be approved only when the fundraising activity relates to the District's educational mission.

Fundraising shall not be permitted during class time. [See EC]

Fundraising through sales of foods and beverages that could be consumed during the school day shall meet the requirements for competitive foods unless the District allows an exception from the competitive food requirement, as permitted by state and federal law. [See CO and FFA]

RELATIONS WITH PARENT ORGANIZATIONS

GE
(LOCAL)

District-affiliated school-support organizations and booster organizations, and other parent groups, shall organize, fundraise or solicit donations, and function in a way that is consistent with the District's philosophy and objectives, Board policies, District administrative regulations, applicable UIL or other governing association guidelines, and financial and audit regulations. [See also CDC and CFC]

Before engaging in fundraising or soliciting gifts, an organization or group shall notify the principal or other appropriate administrator identified in administrative regulations. [See CDC(LOCAL) for District acceptance of gifts and solicitations]

USE OF DISTRICT
FACILITIES

District-affiliated school-support or booster organizations may use District facilities with prior approval of the appropriate administrator. Other parent groups may use District facilities in accordance with policy GKD.

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CONDUCT ON SCHOOL PREMISES

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(LEGAL)

APPLICABILITY OF
CRIMINAL LAWS

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

TRESPASS

A board or its authorized representative may refuse to allow persons having no legitimate business to enter on property under the board's control and may eject any undesirable person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. *Education Code 37.105*

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

VEHICLES ON
SCHOOL PROPERTY

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

DISRUPTION OF
LAWFUL ASSEMBLY

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

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FREE SPEECH

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

DISRUPTION OF
CLASSES

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

DISRUPTION OF
TRANSPORTATION

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

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(LEGAL)

TOBACCO AND E-CIGARETTES	A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. <i>Education Code 38.006</i> [See FNCD for the definition of e-cigarette.]
SMOKING IN BUILDINGS	A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. <i>20 U.S.C. 6083; 20 U.S.C. 7183</i>
CRIMINAL PENALTY	A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.
DEFENSE	It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed \$500.
FACILITIES FOR EXTINGUISHMENT	A district shall be equipped with facilities for extinguishment of smoking materials. <i>Penal Code 48.01(a)–(c)</i>
ALCOHOL	A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. <i>Education Code 38.007(a)</i> [See FNCF regarding alcohol-free zones.]
INTOXICANTS	A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while: <ol style="list-style-type: none">1. On the grounds or in a building of a public school; or2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held. <i>Education Code 37.122</i> [See also FNCF]
FIREWORKS	A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. <i>Occupations Code 2154.251(a)(1)</i>

COMMUNITY RELATIONS
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FIREARMS /
WEAPONS—IN
GENERAL

A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon [see FNCG]:

1. Onto the physical premises (a building or portion of a building) of a school;
2. Onto any grounds or into a building in which an activity sponsored by a school is being conducted; or
3. On a passenger transportation vehicle of a school.

This offense does not apply if the person is acting pursuant to written regulations or written authorization of a district.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (f)

PREMISES DEFINED

“Premises,” for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

EXCEPTED
PERSONS

Penal Code 46.03(a)(1) does not apply to:

1. Peace officers or special investigators regardless of whether engaged in the actual discharge of the officer’s or investigator’s duties;
2. Parole officers while engaged in the actual discharge of the officer’s duties;
3. Community supervision and corrections department officers while engaged in the actual discharge of the officer’s duties;
4. An active judicial officer who is licensed to carry a handgun;
5. An honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency and is carrying a photo identification verifying that the officer or investigator qualifies for this exception;
6. A district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;
7. An assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun;

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8. A bailiff designated by an active judicial officer who is licensed to carry a handgun and engaged in escorting the judicial officer; or
9. A juvenile probation officer who is authorized to carry a firearm.

Penal Code 46.15(a)

EXHIBITION OF
FIREARM

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

1. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
2. On a school bus being used to transport children to and from school-sponsored activities.

Education Code 37.125

TRESPASS—
CONCEALED CARRY
OF HANDGUN

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

NOTICE / SIGN—
CONCEALED
CARRY OF
HANDGUN

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or

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2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

EXCEPTION

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.06 [See also FNCG]

UNAUTHORIZED
NOTICE

A district may not provide notice, by a communication described by Penal Code 30.06 or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035. *Gov't Code 411.209*

TRESPASS—OPEN
CARRY OF HANDGUN

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

NOTICE / SIGN—
OPEN CARRY OF
HANDGUN

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height,

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and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

EXCEPTION

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.07

INTERSCHOLASTIC
EVENTS

A license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

Penal Code 46.035(b)(2) does not apply if the license holder is a participant in the event and a handgun is used in the event.

Penal Code 46.035(b)(2)

BOARD MEETINGS

A license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of the board is held and if the meeting is an open meeting under the Open Meetings Act.

Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06 or 30.07 [see NOTICE/SIGN—CONCEALED CARRY OF HANDGUN and NOTICE/SIGN—OPEN CARRY OF HANDGUN, above].

Penal Code 46.035(c), (i)

BOARD
AUTHORIZATION

A license holder does not commit a criminal offense under Penal Code 46.035 [see INTERSCHOLASTIC EVENTS and BOARD MEETINGS, above] if the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization. *Att'y Gen. Op. GA-1051 (2014)* [See CKE(LEGAL), SECTION III]

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DEFENSE TO
PROSECUTION

It is a defense to prosecution under Penal Code 46.035(b) and (c) [see INTERSCHOLASTIC EVENTS and BOARD MEETINGS, above] that the actor, at the time of the offense, was:

1. A judge or justice of a federal court;
2. An active judicial officer;
3. A district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; or
4. A bailiff designated by an active judicial officer and engaged in escorting the officer.

Penal Code 46.035(h-1)

FEDERAL GUN-FREE
SCHOOL ZONES ACT

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

“School zone” means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

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It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25); .922(q)

