

Update 104 contains (LOCAL) policies that require board action before we can incorporate Update 104 into your district's Policy On Line manual.

Please notify Loretta Jeschke of your policy adoption by **faxing this form to 512-467-3618**, by **e-mailing your notification to pol-support@tasb.org**, or by **completing the form electronically through Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>)** using your myTASB login and clicking the "Notify TASB of Policy Adoption" link.

181906 West Orange-Cove CISD

Your Name: _____

Your E-mail: _____

We will send a confirmation e-mail when your update is placed online.

Previous Updates

- I confirm that all updates prior to Update 104 have been adopted. (Visit <https://www.tasb.org/apps/policyUpdates/index.aspx> to see updates pending adoption. Your Local Manual Updates will remain available through myTASB until your district notifies us of adoption.)

Update 104 Adoption Date: _____

Status (please check one):

- Adopted as presented by TASB—place online immediately
- Adopted with further changes, described below*

* If you have changes to the listed policies that you have not already sent to your policy consultant, please attach the policies to this form or e-mail them to your consultant to ensure they are processed as a Local District Update. Your policy consultant, Elvia Garcia Donaldson, may contact you about these policies, if necessary.

If you have any questions, please contact Loretta Jeschke by phone at 800-580-7529.

Update 104

Adoption Notification Form

Policy On Line®

TASB Policy Service

Fax: 512-467-3618



Localized Policy Manual

Update 104

Please remember: Log in to **my.tasb.org** and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

West Orange-Cove CISD

Update 104 represents the second of two post-legislative updates, focusing primarily on amendments to the Administrative Code as a result of recent legislation. Update 104 is considerably smaller than Update 103, which included the bulk of the changes from the 84th Legislative Session. Major topics in Update 104 include taxes, financial reports and audits, reports to SBEC, video and audio recording in special education settings, partial credit requirements for students who are homeless or in foster care, credit-by-exam requirements for homeless students, substitutes for state assessments, and wellness policy requirements. Several of the local policy recommendations address new local policy requirements included in the 2015–16 TEA *Student Attendance Accounting Handbook*, including homebound instruction and residency and admissions. Other local policy recommendations address equal educational opportunities for students and student discrimination and harassment.

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

In addition to the updated policies, your Localized Update 104 packet contains:

- **INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES** . . . summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

Vantage Points—A Board Member's Guide to Update 104 may be found in the separately wrapped package accompanying this packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 104 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant, Elvia Garcia Donaldson, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 104 . . .

- Board action on Localized Update 104 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 104, affecting (LOCAL) policies (see attached list of codes).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 104, affecting (LOCAL) policies” as the agenda item and, as agenda subitems, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 104 is as follows:
“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 104 [with the following changes:]”
- The board’s action on Localized Update 104 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* available in the myTASB Policy Service Resource Library at <https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx>.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. You will need to notify us of the board’s action on Update 104 so that your district’s Localized Policy Manual as it appears on TASB’s web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 104 Adoption Notification Form enclosed), by e-mail (pol-support@tasb.org), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 104 policy changes should be inspected and revised by the district as needed.

PLEASE NOTE: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional 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 104

District West Orange-Cove CISD

| Code | Action To Be Taken | Note |
|---------------|---------------------------|---------------------------|
| ATTN (NOTE) | No policy enclosed | See explanatory note |
| CCG (LEGAL) | Replace policy | Revised policy |
| CFA (LEGAL) | Replace policy | Revised policy |
| CFC (LEGAL) | Replace policy | Revised policy |
| CQA (LEGAL) | Replace policy | Revised policy |
| DBAA (LEGAL) | Replace policy | Revised policy |
| DFE (LEGAL) | Replace policy | Revised policy |
| DHB (LEGAL) | Replace policy | Revised policy |
| E (LEGAL) | Replace table of contents | Revised table of contents |
| EEH (LOCAL) | Replace policy | Revised policy |
| EHBAF (LEGAL) | ADD policy | See explanatory note |
| EHDC (LEGAL) | Replace policy | Revised policy |
| EI (LEGAL) | Replace policy | Revised policy |
| EKB (LEGAL) | Replace policy | Revised policy |
| FB (LEGAL) | Replace policy | Revised policy |
| FB (LOCAL) | Replace policy | Revised policy |
| FB (EXHIBIT) | ADD exhibit | See explanatory note |
| FD (LEGAL) | Replace policy | Revised policy |
| FD (LOCAL) | Replace policy | Revised policy |
| FEB (LOCAL) | Replace policy | Revised policy |
| FFA (LEGAL) | Replace policy | Revised policy |
| FFC (LOCAL) | DELETE policy | See explanatory note |
| FFC (EXHIBIT) | ADD exhibit | See explanatory note |
| FFH (LOCAL) | Replace policy | Revised policy |
| FFH (EXHIBIT) | ADD exhibit | See explanatory note |
| FL (LEGAL) | Replace policy | Revised policy |

Explanatory Notes

TASB Localized Policy Manual Update 104

District: West Orange-Cove CISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills in these Explanatory Notes refer to bills from the 84th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

CCG (LEGAL) LOCAL REVENUE SOURCES
AD VALOREM TAXES

Multiple bills affected this legally referenced policy on ad valorem taxes. Significant changes are described with the relevant bill number in parenthesis.

When a district's TAX RATE will exceed the sum of the effective maintenance and operations tax rate and the district's current debt rate, the board's vote on the ordinance, resolution, or order setting the tax rate must be by record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order. See page 4. (SB 1760)

The HOMESTEAD EXEMPTION, as reflected on page 10, increased from \$15,000 to \$25,000. (SB 1)

At EXEMPTION FOR SURVIVING SPOUSE on page 11, we have added a recently adopted constitutional amendment providing the residence homestead exemption to a surviving spouse of a 100 percent disabled veteran who died before the law authorizing the exemption for such a veteran took effect. (HB 992)

CFA (LEGAL) ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

New provisions at REPORT OF DEBT INFORMATION, beginning on page 1, are from HB 1378 and require school districts to annually compile and report financial information related to the district's debt obligations, credit rating, and other relevant information. The district must make the annual report available for inspection and post the report on its website until the district posts the next annual report. A district must also post on its website the contact information for the main office of the district. As an alternative to providing an annual report, a district may provide the required information to the comptroller and provide a link to the comptroller's website, where the district's financial information may be viewed.

Other revisions throughout this legally referenced policy are based on amendments to the Texas Administrative Code, effective August 6, 2015. The rules were amended to remove outdated provisions and to align provisions with current statute.

The ratings at CORRECTIVE ACTION PLAN, on page 5, have been updated to refer to the new letter ratings.

At PROJECTED DEFICIT, also on page 5, the rule revisions implement changes from HB 5 (83rd Legislative Session). When the commissioner of education projects that a deficit will occur in a district's general fund within the next three school years, TEA will provide the district certain financial information to evaluate the district's budget situation. TEA may also require the district to submit additional information or to acquire professional services.

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CFC (LEGAL) ACCOUNTING
AUDITS

Newly added to the policy manual are provisions addressing the FINANCIAL ACCOUNTABILITY RATING SYSTEM, beginning on page 2, as revised in Administrative Code rules, effective August 6, 2015. The rules were revised to continue or update established practice. The provisions explain the DATA REVIEWED by TEA in calculating the financial accountability indicators and include a description of the items used as the BASIS FOR THE RATING, including clarification that ratings are based on the data for the prior fiscal year. At TYPES OF RATINGS is an explanation of each of the possible letter grade ratings. Regarding ISSUANCE OF RATINGS, TEA must issue the preliminary rating on or before August 8, and the preliminary rating will become final 31 days after issuance if the district does not file an appeal.

Administrative Code provisions on financial solvency were deleted from rule effective December 29, 2015, because the statute that directed TEA to develop a review process relating to financial solvency of districts and to take certain actions if the review indicated a projected deficit was repealed effective September 1, 2014. Current statute requires TEA to provide districts additional information if a projected deficit is found, as reflected at CFA(LEGAL), included in this update.

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

Beginning on January 1, 2016, HB 1378 requires a district to continuously post on its website the district's annual financial report and the contact information for the district's main office. (See items 12 and 13 on page 2.)

DBAA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

Amended Administrative Code rules addressing State Board for Educator Certification (SBEC) enforcement actions were adopted effective October 8, 2015, and resulted in a new provision on page 6 permitting SBEC to impose a SANCTION on a superintendent who falsely or inaccurately certifies to the commissioner of education that the district complied with the required criminal history review provisions in law.

DFE (LEGAL) TERMINATION OF EMPLOYMENT
RESIGNATION

Amended Administrative Code rules addressing State Board for Educator Certification enforcement actions were adopted effective October 8, 2015, and resulted in minor rewording at INVESTIGATION, on page 2.

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

Amended Administrative Code rules addressing State Board for Educator Certification (SBEC) enforcement actions were adopted effective October 8, 2015. The rules clarify that a superintendent must notify SBEC if an educator has submitted a notice of RESIGNATION and evidence exists that would support a finding that the educator had engaged in an act of misconduct as described in the policy.

Explanatory Notes

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E (LEGAL) INSTRUCTION

We have revised the E section table of contents to add a new policy, EHBAF, on video and audio monitoring of special education classes and other settings.

EEH (LOCAL) INSTRUCTIONAL ARRANGEMENTS HOMEBOUND INSTRUCTION

The 2015–16 TEA *Student Attendance Accounting Handbook (SAAH)* explains that a student who receives special education services is eligible to be placed in a special education homebound instructional setting if the student is expected to be confined for a minimum of four weeks to a hospital or homebound setting. However, the four weeks need not be consecutive if the student is chronically ill and if permitted by local district policy. To address the local policy requirement, recommended text at SPECIAL EDUCATION designates the ARD committee of a chronically ill student to determine whether the weeks of confinement need to be consecutive, since this decision would typically be made on a case-by-case basis. Other recommendations include clarification that in determining the type and amount of instruction, the ARD committee should do so in accordance with law and, if applicable, will determine the length of the transition period to the school-based setting based on current medical information.

Eligibility for GENERAL EDUCATION homebound services also requires confinement for a minimum of four weeks, which do not need to be consecutive, as clarified in the new sentence recommended for inclusion in the policy. Other recommended revisions at this margin note are to improve sentence structure and flow.

A recommended change at DOCUMENTATION OF SERVICES requires that documentation of homebound services be maintained in accordance with the *SAAH* and a student's IEP, if applicable, in addition to any other administrative procedures the district may have.

EHBAF (LEGAL) SPECIAL EDUCATION VIDEO/AUDIO MONITORING

This new legally referenced policy addresses video and audio monitoring of special education classes and other settings, effective for the 2016–17 school year, as added by SB 507.

Upon request by a parent, board member, or staff member to promote student safety, a district must provide equipment, including a video camera, to each school in the district in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled. Schools must operate the cameras in classrooms or special education settings as described in the policy.

There are specific requirements outlined in the policy for the VIDEO CAMERAS, such as the areas that must be visible and audible. Districts must provide WRITTEN NOTICE to all school staff and to the parents of students receiving special education services in the classroom or setting where cameras are placed.

The RETENTION PERIOD for the recordings is a minimum of six months after the date of the recording. A district may not allow regular or continual monitoring of the video recording or use the recording for teacher evaluations or any other purpose other than to promote the safety of students receiving special education services.

Recordings of a student are CONFIDENTIAL, with certain exceptions.

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

A new provision from amended State Board of Education rules effective November 20, 2015, requires a district to provide opportunities for credit by examination to STUDENTS WHO ARE HOMELESS OR IN SUBSTITUTE CARE who transfer into the district after the school year begins. (See page 3.)

EI (LEGAL) ACADEMIC ACHIEVEMENT

A new requirement from amended State Board of Education rules effective November 20, 2015, requires a district to award partial credit to a student who is homeless or in substitute (foster) care who successfully completes only one semester of a two-semester course.

Districts still have discretion regarding whether to award partial credit to other students who successfully complete only one semester of a two-semester course. However, if your district either does not award partial credit or places restrictions on the award of partial credit, please be aware of the new requirements for students who are homeless or in substitute care when applying partial credit.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Amendments to the Administrative Code effective December 10, 2015, implement changes from HB 1613 and SB 149 regarding use of the Texas Success Initiative (TSI) as a substitute assessment for an end-of-course (EOC) assessment and HB 2349 regarding reporting the results separately for out-of-state transfer students. As explained at SUBSTITUTE ASSESSMENTS beginning on page 6, a student enrolled in a college preparatory English language arts or mathematics course who meets a certain score on the TSI at the end of the course satisfies the relevant EOC assessment graduation requirements. Under some circumstances, a student can satisfy both the English I and II EOC assessment requirements.

In addition, a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking the assessment may use the TSI as a substitute assessment if the student has met certain TSI score requirements.

The amended rules also require a district to report to TEA whether a student transferred into the district from out of state during the current school year, and TEA must report the assessment results of these transfer students separately from other students. (See OUT-OF-STATE TRANSFERS on page 11.)

An existing statutory provision has been added requiring ACCELERATED INSTRUCTION for students who fail an assessment administered in grades three through eight.

FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

The U.S. Department of Education Office for Civil Rights (OCR) enforces the Age Discrimination Act of 1975, which prohibits discrimination based on age in programs or activities, including programs or activities of a local educational agency or other school system, that receive federal financial assistance. To accurately reflect this federal law in policy, we have added "age" to the list of protected characteristics at FEDERAL FUNDING RECIPIENTS on page 1.

Additional information on the Age Discrimination Act may be found at <http://www2.ed.gov/policy/rights/guid/ocr/ageoverview.html>.

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We have revised the text at EVALUATION AND PLACEMENT, beginning on page 4, to provide additional detail from current regulations about a district's obligation to conduct an evaluation for a student with a disability who needs or is believed to need special education or related services. The text also outlines the items that need to be addressed in district procedures on evaluation and placement.

FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

To eliminate the need for the board to readopt this policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to FB(EXHIBIT), which is not a board-adopted document. The Department of Education's Office for Civil Rights (OCR) emphasizes the duty of school districts to make these coordinators "visible" to the school community, but recognizes the cost and administrative burden associated with staffing changes. Moving the contact information to the exhibit will maintain the visibility of the coordinators while reducing the administrative burden. See U.S. Dep't of Educ., OCR, [Dear Colleague Letter \(PDF\)](#) (Apr. 24, 2015).

Along with this change, TASB Policy and Legal Services have revised the recommended text in this local policy to capture the district's obligation to provide equal educational opportunities to all students, including the protections under Section 504 and other laws. The changes are based on the Section 504 regulations as well as the requirements throughout federal and state law to provide equal educational opportunities to all students. Two new *Notes* in the policy clarify the distinction between the issues addressed in FB and in policy FFH, which governs the district's response to student discrimination and harassment.

New recommended provisions address the overarching concept of EQUAL EDUCATIONAL OPPORTUNITY for all students along with a district's obligation to consider ADDITIONAL SERVICES AND SUPPORTS as necessary. Because Texas law specifically overlaps the diagnosis and services provided to students with dyslexia and related disorders to Section 504, we have added a cross-reference to policy EHB for information related to dyslexia.

The existing policy provisions related to Section 504 have been revised significantly. The most substantive recommendations include:

- Revisions to the text associated with SECTION 504 COMMITTEES to acknowledge that the Section 504 coordinator for the district will not always be a member of each 504 committee. In addition, the text now refers to the "group of persons" required by regulation to serve on the committee, rather than referencing a specific number of persons.
- Placing more emphasis on the district's duty to evaluate when REFERRALS are made, along with revisions to the NOTICE AND CONSENT provisions to recognize guidance from the OCR and the procedural safeguards requirements of Section 504.
- Changing the text associated with EVALUATION AND PLACEMENT to mirror the requirements placed on the "recipient" of federal funding to ensure that the district's procedures for tests and other evaluation materials comply with the minimum requirements of law. Rather than specifically requiring an adaptive behavior evaluation in local policy, the recommended text refers to a variety of evaluations that each Section 504 committee will consider.
- A new provision addressing the REVIEW AND REEVALUATION PROCEDURE required in the Section 504 regulations. Because a district is required by the Section 504 regulations to periodically reevaluate a student's eligibility for services, and the Section 504 regulations allow a district to use the same timeline established in the Individuals with Disabilities Education Act (IDEA) to comply with the reevaluation requirement, the recommended text affirms that the district will abide by the IDEA timelines related to reevaluation (generally at least once every three years and not more than once a year). Also included is a provision addressing reviews of a student's services and supports.

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- A new statement to accommodate a procedural safeguards requirement in the Section 504 regulations reflecting the parent's rights related to EXAMINING RECORDS of his or her child.
- Revisions to the existing text associated with a parent's RIGHT TO AN IMPARTIAL HEARING, to more accurately capture the requirements in the Section 504 regulations. Although a district may use the state-developed procedural safeguards document used for IDEA-eligible students to comply with the procedural safeguards required by the Section 504 regulations, the recommended text in the local policy addresses each component of the required Section 504-specific procedural safeguards topics.
- Revision of text regarding state-mandated assessments, as accommodations on state assessments are only one type of accommodation provided to students with disabilities. See EQUAL EDUCATIONAL OPPORTUNITY.
- Relocation and revision of text associated with RECORDS RETENTION to remove provisions associated with records of discrimination, harassment, and retaliation, since these concepts are addressed at policy FFH, and to focus on the retention requirements for records pertaining to Section 504.

FB (EXHIBIT) EQUAL EDUCATIONAL OPPORTUNITY

To eliminate the need for the board to readopt policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to this exhibit, which is not a board-adopted document.

Please confirm the contact information included in this exhibit and contact your policy consultant if any adjustments are needed.

FD (LEGAL) ADMISSIONS

To assist districts in determining residency of students seeking admission to district schools, a definition of "residence" has been added from a U.S. Supreme Court case at PROOF OF ELIGIBILITY, beginning on page 3. The definition provides that residence requires living in the district and having the present intention to remain there.

FD (LOCAL) ADMISSIONS

The 2015–16 TEA *Student Attendance Accounting Handbook (SAAH)* requires districts to maintain written local board-adopted policies that provide detailed information on the district's attendance accounting system and that include the district's written policy for documentation to establish student residency. Informal guidance from TEA would allow districts to continue the common practice of the superintendent maintaining in administrative regulations a list of documents that may be used to verify residency. However, districts will need to provide auditors with the district's list of documents that may be used to establish residency. Recommended local policy text aligns with this practice and requires the parent to present proof of residency in accordance with administrative regulations. The text also allows the district to investigate stated residency as necessary. Please note that FD(REGULATION) will be updated in the next *TASB Regulations Resource Manual* update. If the district would like to include in policy a list of accepted documents, please contact your policy consultant for appropriate language.

To better accommodate the completion of REGISTRATION FORMS electronically, the reference to a signature is recommended for deletion. The requirement to *complete* registration forms can incorporate either a written signature on paper forms or an electronic acknowledgment or affirmation on an electronic form.

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New provisions are also recommended to clarify TRANSFER OF CREDIT from accredited and nonaccredited schools and are broad enough to replace the current local policy provisions, which are limited to transfer of credit from nonaccredited schools. In accordance with state rule and as reflected in the recommended text, the district must accept credits for state graduation requirements earned in an accredited public school district in Texas. However, before recognizing credits earned in any other school, including an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, a district must evaluate the records or transcripts and may use a variety of methods to verify course content. The recommended local policy text also clarifies that the district may require the student to demonstrate mastery of the course content.

The definition of "accredited" that was already included in the policy has been moved to the beginning of the section addressing transfer students, since this definition is relevant to placement decisions as well as transfer of credit.

Revisions at WITHDRAWAL reflect that a parent wishing to withdraw a student presents a statement of withdrawal rather than a request.

We have retained the text that reflects the district's decision to define the amount of substantial after-school care required for admission as at least two hours per school day for five days during the regular school week.

We recommend for deletion the district's unique text at PROOF OF RESIDENCY that permits the superintendent to require reasonable proof of residency within an attendance zone. This provision is more appropriate in the student handbook or in an administrative regulation regarding attendance zones.

FEB (LOCAL) ATTENDANCE ATTENDANCE ACCOUNTING

To match wording in state rule, we have revised the text in this local policy to refer to "alternative" times for taking attendance. See ALTERNATIVE RECORDING TIME.

The 2015–16 TEA *Student Attendance Accounting Handbook (SAAH)* requires districts to maintain written local board-adopted policies that provide detailed information on the district's attendance accounting system, including the district's written policy for documentation to establish student residency. To tie this policy on attendance accounting with the district's residency provisions at FD(LOCAL), we have added, at ATTENDANCE ACCOUNTING SYSTEM, a cross-reference to FD for admissions and residency requirements related to student attendance accounting.

FFA (LEGAL) STUDENT WELFARE WELLNESS AND HEALTH SERVICES

Revisions to this legally referenced policy on student wellness and health services reflect the repeal of the 2004 federal school wellness policy requirements and the addition of new wellness policy requirements from the Healthy, Hunger-Free Kids Act (HHFKA) of 2010. The 2010 HHFKA places greater emphasis on implementation, evaluation, and transparency to the public.

Specifically, the HHFKA added requirements for:

- Including wellness goals for nutrition promotion;
- Permitting additional stakeholders, including teachers of physical education and school health professionals, to participate in the development, implementation, and periodic review of the wellness policy;
- Informing the public about the content and implementation of the policy;
- Providing an assessment of the implementation of the policy; and

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- Designating one or more district employees to ensure that each campus complies with the policy.

The U.S. Secretary of Agriculture must develop regulations that provide the framework and guidelines for districts to establish their wellness policies. Final federal regulations are still pending and will be added to the policy when effective.

Please note: TASB Policy Service has created new policy development materials to assist you in revising your FFA(LOCAL) for appropriate compliance with the HHFKA statutory requirements, available on myTASB at <https://www.tasb.org/Services/Policy-Service/myTASB/Starting-Points/Wellness/Wellness-Policy-and-Wellness-Plan.aspx>.

FFC (LOCAL) STUDENT WELFARE
STUDENT SUPPORT SERVICES

To eliminate the need for the board to readopt policy every time the district's liaison for homeless students changes, we have moved the contact information for this position to FFC(EXHIBIT), which is not a board-adopted document. As a result, this local policy is recommended for deletion.

FFC (EXHIBIT) STUDENT WELFARE
STUDENT SUPPORT SERVICES

To eliminate the need for the board to readopt policy every time the district's liaison for homeless students changes, we have moved the contact information for this position to this new exhibit, which is not a board-adopted document.

We have updated the coordinator information based on information the district provided to Policy Service.

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

Recommended revisions update the STATEMENT OF NONDISCRIMINATION and the definition of DISCRIMINATION to add "sex" and "age" in accordance with Title IX and the Age Discrimination Act of 1975, respectively. Both statutes are enforced by the Department of Education's Office for Civil Rights (OCR).

In addition, to eliminate the need for the board to readopt this policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to FFH(EXHIBIT), which is not a board-adopted document. The OCR emphasizes the duty of school districts to make these coordinators "visible" to the school community, but recognizes the cost and administrative burden associated with staffing changes. Moving the contact information to the exhibit will maintain the visibility of the coordinators while reducing the administrative burden. See U.S. Dep't of Educ., OCR, [Dear Colleague Letter \(PDF\)](#) (Apr. 24, 2015).

The provision explaining the district's RECORDS RETENTION obligations for allegations, investigation reports, and other related records regarding prohibited conduct has been moved from FB(LOCAL) and revised to replace the stated retention periods with a reference to law. FFH is a more appropriate policy for this provision, since FFH addresses complaints of discrimination, harassment, and retaliation.

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

To eliminate the need for the board to readopt policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to this exhibit, which is not a board-adopted document.

Please confirm the contact information included in this exhibit and contact your policy consultant if any adjustments are needed.

FL (LEGAL) STUDENT RECORDS

Although new provisions from SB 507 that require video cameras in certain special education classrooms are not effective until the 2016–17 school year, the bill makes immediate changes regarding the list of EXCEPTIONS for which consent is not required when a district employee makes VIDEOTAPES AND RECORDINGS of a child or child's voice. Parental consent is not required when a videotape or recording is related to the promotion of student safety under the new law pertaining to recordings in special education settings. See pages 20 and 21.

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

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

| | | |
|-------------|-------------------------------------------------|-------------|
| SECTION I | Maintenance Taxes | pages 2–5 |
| | 1. Tax Rate Cap | |
| | 2. Appraisal Roll | |
| | 3. Disaster Area | |
| | 4. Meeting on Budget and Proposed Tax Rate | |
| | 5. Tax Rate | |
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SECTION I: MAINTENANCE TAXES

A board may levy, assess, and collect annual ad valorem taxes for the maintenance of a district's schools. *Education Code 45.002*

TAX RATE CAP

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

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

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

Education Code 45.003(a), (d)–(f)

APPRAISAL ROLL

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

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

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

Tax Code 26.04(b)

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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

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

DECREASE IN DEBT
SERVICE RATE

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

Education Code 44.004

TAX RATE

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

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's effective maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order. *Tax Code 26.05(b)*

The budget shall be adopted before the adoption of the tax rate. *Education Code 44.004(g)*

EXCEPTION

A district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. The board may adopt a tax rate for the current tax year before receipt of the certified appraisal roll if the chief appraiser of the appraisal district in which the district participates has, by April 30, certified to the assessor for the district an estimate of the taxable value of property in the school district as provided by Education Code 26.01(e). If a district adopts a tax rate before the adoption of the budget, the effective tax rate and the

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rollback tax rate of the district shall be calculated based on the certified estimate of taxable value. *Education Code 44.004(j); Tax Code 26.01(e), .05(g)*

EFFECTIVE TAX RATE

The vote on the ordinance setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate."

MAINTENANCE AND
OPERATIONS TAX
RATE

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

INTERNET POSTING

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

Tax Code 26.05(b)

SECTION II: ELECTION TO RATIFY TAXES

If a board adopts a tax rate that exceeds a district's rollback tax rate as defined in Tax Code 26.08, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money is necessary due to a natural disaster and the governor has

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

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

SECTION III: PAYMENT OPTIONS

DISCOUNTS

A board may adopt one or both of the following discount options for early payment of district taxes. *Tax Code 31.05(a)*

OPTION 1

If a board adopts Option 1, the following apply regardless of the date on which a district mails its tax bills.

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

Tax Code 31.05(b)

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

OPTION 2

If a board adopts Option 2, the following discounts apply only when a district mails its tax bills after September 30:

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

Tax Code 31.05(c)

BOTH OPTIONS

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

RESCISSION

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

SPLIT PAYMENTS

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

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PERFORMING
SERVICES IN LIEU OF
PAYING TAXES

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

PERSONS 65 AND
OVER

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

Tax Code 31.035

TEACHING
SERVICES BY
INDIVIDUAL

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

TEACHING
SERVICES BY
EMPLOYEE OF
BUSINESS ENTITY

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

INSTALLMENT
PAYMENTS
CERTAIN
HOMESTEADS

An individual who qualifies for a homestead exemption under Tax Code 11.13(c), .132, or .22 may pay taxes on the residence homestead property in installments without penalty or interest if paid by the applicable dates provided for in Tax Code 31.031. *Tax Code 31.031*

DISASTER AREA

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

1. Real property that:
 - a. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units, or is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity; and

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- b. Is located in a disaster area and has been damaged as a direct result of the disaster.
2. Tangible personal property that is owned or leased by a business entity described above at number 1(a); and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster;

Such installment payments shall not incur penalty or interest if paid by the applicable dates provided for in Tax Code 31.032.

Tax Code 31.032(a)–(b)

PARTIAL PAYMENTS

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

SECTION IV: DELINQUENT TAXES

DELINQUENCY DATE

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

1. A district has provided for split payments. *Tax Code 31.03*
2. A district's tax bills are mailed after January 10. *Tax Code 31.04(a)*
3. A district's tax bills are mailed after September 30 and the board has adopted discounts provided by Tax Code 31.05(c). *Tax Code 31.04(d)*

Tax Code 31.02

DELINQUENT TAX
COLLECTION

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

ADDITIONAL
PENALTIES

If a district or the tax collector for the district has contracted with a private attorney for the collection of delinquent taxes, the board may impose, by official action, an additional penalty on taxes that become delinquent in the manner prescribed by law. *Tax Code 33.07, .08*

SECTION V: EXEMPTIONS

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| HOMESTEAD EXEMPTIONS | An adult is entitled to exemption from taxation of \$25,000 of the appraised value of the adult's residence homestead. To receive the residence homestead exemption, the person claiming the exemption must apply for the exemption. <i>Tax Code 11.13(b), .43</i> |
| PERSONS 65 OR OLDER OR DISABLED PERSONS | An adult who is disabled or 65 or older is entitled to an additional \$10,000 exemption of the appraised value of his or her residence homestead. <i>Tax Code 11.13(c)</i> |
| TAX CEILING | A district shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Tax Code 11.13, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. <i>Tax Code 11.26(a)</i> |
| IMPROVEMENTS | A district may increase the taxes if improvements are made to the property, but that tax amount is then frozen. <i>Tax Code 11.26(b)</i> |
| PORTABILITY OF TAX CEILING | If an individual subject to a limitation on tax increases subsequently qualifies a different residence for the residence homestead exemption, the tax limitation on the new residence is calculated to give the individual the same percentage of tax paid as the limitation on the former home in accordance with Tax Code 11.26(g). <i>Tax Code 11.26(g)</i> |
| SURVIVING SPOUSE OF PERSONS 65 OR OLDER | If an individual who qualifies for the exemption for an individual 65 years of age or older dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. <i>Tax Code 11.26(i)</i> |
| HOMESTEADS RENDERED UNINHABITABLE OR UNUSABLE | If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)-(o) and 34 Administrative Code 9.416. <i>Tax Code 11.135, .26(n)-(o); 34 TAC 9.416</i> |

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VETERAN
EXEMPTIONS

100 PERCENT
DISABLED

A disabled veteran who receives from the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. A person who qualifies for an exemption after January 1 of a tax year may receive the exemption for the applicable portion of that tax year immediately on qualification for the exemption. *Tax Code 11.131, .42(e)*

PARTIALLY
DISABLED WITH
DONATED
RESIDENCE

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

EXEMPTION FOR
SURVIVING SPOUSE

The surviving spouse of a disabled veteran who qualified for an exemption when the veteran died, or of a disabled veteran who would have qualified for an exemption if it had been in effect on the date the veteran died, is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if:

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

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

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

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| SURVIVING SPOUSE OF INDIVIDUAL KILLED IN ACTION | <p>The surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. An exemption is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year. <i>Tax Code 11.132, .42(c)</i></p> <p>A surviving spouse who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried since the death of the member of the armed services. <i>Tax Code 11.132</i></p> |
| DISABLED VETERAN | <p>A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22. This exemption can be, but is not required to be, applied to a residence homestead. <i>Tax Code 11.22</i></p> |
| OPTIONAL EXEMPTIONS | <p>A board may grant additional tax exemptions for transitional housing, homesteads, historic sites, community land trusts, certain water conservation initiatives, certain tax-exempt corporations, and charitable organizations, as provided by law. If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. <i>Tax Code 6.08, 11.111, .13, .1827, .184, .24, .32; Tex. Const. Art. VIII, Sec. 1-b</i></p> |
| GOODS-IN-TRANSIT | <p>A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit.</p> <p>In accordance with Tax Code 11.253, a board may provide for the taxation of goods-in-transit that are otherwise exempt from taxation. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). The goods-in-transit remain subject to taxation by a district until the board rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.</p> |

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

EXCEPTION

If the board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(b), (j)–(j-2)

SECTION VI: ECONOMIC DEVELOPMENT

TAX INCREMENT
FINANCING ACT

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

BOARD OF
DIRECTORS

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

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

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

COLLECTION AND
DEPOSIT OF TAX
INCREMENTS

A district shall provide for the collection of its taxes in the zone as for any other property tax and shall pay into the zone's tax increment fund the amount specified by law. Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, this payment shall be made no later than 90 days after the later of the delinquency date for district property

taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. A district is not required to pay the portion attributable to delinquent taxes until those taxes are collected. A district shall not be required to pay a tax increment into the zone's tax increment fund beyond three years from the date the zone was created, except as provided by law. *Tax Code 311.013*

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

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

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

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

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

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

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

PROPERTY
REDEVELOPMENT
AND TAX ABATEMENT
ACT

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

DISTRICT
DESIGNATED

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

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

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

Tax Code 312.0025

TEXAS ECONOMIC
DEVELOPMENT ACT

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

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

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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

Tax Code 313.004(3)

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

ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

CFA
(LEGAL)

ACCOUNTING SYSTEM A board must adopt and install a standard school fiscal accounting system that meets the minimum requirements prescribed by the State Board of Education; is consistent with state financial laws; does not misrepresent the nature, scope, or duration of the financial activities of the state or the district; may follow the statutory standards in Government Code Chapter 2264 when other accounting bases conflict with state law; and conforms with generally accepted accounting principles. *Education Code 44.007(a), (b); Gov't Code 2266.002; 19 TAC 109.1, .41*

REPORT OF REVENUES AND EXPENDITURES A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. The report shall include management, cost accounting, and financial information that will enable the State Board to monitor the funding process and determine educational costs by district, campus, and program. *Education Code 44.007(c), (d)*

FINANCIAL STATEMENT A board shall prepare an annual financial statement that shows the following for each fund subject to its authority during the fiscal year:

1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived.
2. The total disbursements of the fund, itemized by the nature of the expenditure.
3. The balance in the fund at the close of the fiscal year.

Local Gov't Code 140.005

PUBLICATION A board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of a district, the financial statement shall be published in a newspaper in each county in which the district or any part of the district is located. The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends. *Local Gov't Code 140.006*

REPORT OF DEBT INFORMATION A district shall annually compile and report the following financial information:

1. As of the last day of the preceding fiscal year, debt obligation information for the district that must state:
 - a. The amount of all authorized debt obligations;

- b. The principal of all outstanding debt obligations;
 - c. The principal of each outstanding debt obligation;
 - d. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
 - e. The combined principal and interest required to pay each outstanding debt obligation on time and in full;
 - f. The amounts required by items a–e limited to authorized and outstanding debt obligations secured by ad valorem taxation, expressed as a total amount and as a per capita amount; and
 - g. For each debt obligation:
 - (1) The issued and unissued amount;
 - (2) The spent and unspent amount;
 - (3) The maturity date; and
 - (4) The stated purpose for which the debt obligation was authorized.
2. The current credit rating given by any nationally recognized credit rating organization to debt obligations of the district;
 3. Any other information that the district considers relevant or necessary to explain the values required by items 1a–f above, including:
 - a. An explanation of the payment sources for the different types of debt; and
 - b. A projected per capita amount of an amount required by item 1f as of the last day of the maximum term of the most recent debt obligation issued by the district.

Instead of replicating in the annual report information that is posted separately on a district's Internet website, the district may provide in the report a direct link to, or a clear statement describing the location of, the separately posted information.

ALTERNATIVE TO
REPORT

As an alternative to providing an annual report, a district may provide to the comptroller the information described above and any other related information required by the comptroller in the form and in the manner prescribed by the comptroller. The comptroller shall post the information on the comptroller's Internet website. If the district maintains an Internet website, the district shall provide a

ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

CFA
(LEGAL)

link from the website to the location on the comptroller's website where the district's financial information may be viewed.

POSTING
REQUIREMENTS

Except as provided at ALTERNATIVE TO REPORT above, a district's board of trustees shall take action to ensure that:

1. The district's annual report is made available for inspection by any person and is posted continuously on the district's Internet website until the district posts the next annual report; and
2. The contact information for the main office of the district is continuously posted on the website, including the physical address, the mailing address, the main telephone number, and an e-mail address.

Local Gov't Code 140.008

FINANCIAL
MANAGEMENT
REPORT

Each district must prepare and distribute an annual financial management report. The district's annual financial management report must include a description of the district's financial management performance based on a comparison, provided by TEA, of the district's performance on the indicators in 19 Administrative Code 109.1001.

Each district must provide the public with an opportunity to comment on the report at a hearing.

REPORT
REQUIREMENTS

The report shall contain information on state-established standards and a district's financial management performance under each indicator for the current and previous year's financial accountability ratings and any descriptive information required by the commissioner of education ("commissioner"), including:

1. A copy of a superintendent's current employment contract or other written documentation of employment if no contract exists. This must disclose all compensation and benefits paid to the superintendent. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report;
2. A summary schedule for the fiscal year (12-month period) of expenditures paid on behalf of the superintendent and each board member and total reimbursements received by the superintendent and each board member. This includes transactions on a district's credit card(s), debit card(s), stored-value card(s), and any other similar instrument(s) to cover expenses incurred by the superintendent and each board member. The summary schedule must separately report reimbursements for meals, lodging, transportation, motor fuel, and other items. The summary schedule of total reimbursements should not

include reimbursements for supplies and materials that were purchased for the operation of the district;

3. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;
4. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of \$250 or more received by the executive officers and board members. This reporting requirement applies only to:
 - a. Gifts received by a district's executive officers and board members (and their immediate family as described by Government Code, Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and
 - b. Gifts from competing vendors that were not awarded contracts in the prior fiscal year.

This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education; however, this exclusion does not apply to trips for entertainment purposes or pleasure trips. This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than \$250 per executive officer or board member;

5. A summary schedule for the fiscal year of the dollar amount received by board members for the total amount of business transactions with the district. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by board members; and
6. Any other information the board of trustees of a district determines to be useful.

PUBLIC HEARING

A board must hold a public hearing on the report. The public hearing must be held in a district's facilities within two months after receiving a final financial accountability rating.

A board must give notice of the hearing to property owners in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing to a newspaper of general circulation in the geographic boundaries of the district once a week for two weeks prior to holding the public meeting, providing the time and place of the hearing. The first notice in the newspaper may not be more than 30 days prior to the public meeting or less than 14 days prior to the public meeting. If no newspaper is published in the county in which a district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located.

The board must also provide notice of the hearing through electronic mail to mass communication media serving a district, including, but not limited to, radio and television.

At the hearing, the district must provide the annual financial management report to the attending parents and taxpayers. The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request.

CORRECTIVE ACTION
PLAN

Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after a district's public hearing.

DISSEMINATION

After the hearing, the report shall be disseminated in a district in the manner prescribed by the commissioner.

Education Code 39.083; 19 TAC 109.1001(o)

PROJECTED DEFICIT

If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39.109 [see AIC].

Education Code 39.0823

ACCOUNTING
AUDITS

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(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, 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 State Board of Education'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 ("commissioner") 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 (ADA) 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 for the rating year 2015–16 and all subsequent rating years are A for superior achievement, B for above standard achievement, C for standard achievement, and F for substandard achievement.

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)

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, postings required under special circumstances, or postings required under administrative procedures of an agency.

REQUIRED INTERNET
POSTINGS

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

1. 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]
2. A district shall post an election notice required under Election Code 85.007. [See BBB]
3. 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 member of a board, under Election Code 254.04011. [See BBBA]
4. A district shall provide access to the conflicts disclosure statements and questionnaires, under Local Government Code 176.009. [See BBFA, CHE]
5. A district shall post the statements regarding activities to support student health, under Education Code 28.004. [See BDF]
6. 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]
7. 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]

8. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
9. A district shall include on the home page of its website the prescribed statement if the district proposes to increase the amount of taxes to fund maintenance and operation expenditures, under Tax Code 26.05(b). [See CCG]
10. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget, under Education Code 44.0041. [See CE]
11. 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 39.084. [See CE]
12. 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]
13. 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]
14. A district shall report its energy usage information on a publicly accessible Internet website with an interface designed for ease of navigation, if available, under Government Code 2265.001. [See CL]
15. 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]
16. A district shall post the board's employment policies, under Education Code 21.204(d). [See DCB]
17. 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.

TECHNOLOGY RESOURCES
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

CQA
(LEGAL)

18. 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]
19. 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]
20. 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]
21. 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(c). [See FFI]

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. 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]
3. A district may place on its Internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 CFR 300.504(b). [See EHBAE]
4. 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 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
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

DEFINITIONS

“Criminal history clearinghouse” (Clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov’t Code 411.0845(a), (h)*

“Criminal history record information” (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov’t Code 411.082(2)*

“National criminal history record information” (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

CERTIFIED PERSONS

The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

NONCERTIFIED
EMPLOYEES

This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

APPLICABILITY

1. A district; or
2. A shared services arrangement, if the employee’s or applicant’s duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see ALL OTHER EMPLOYEES, below.]

INFORMATION TO
DPS AND TEA

Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

| | |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EMPLOYMENT PENDING REVIEW | After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment. |
| CRIMINAL HISTORY | A district shall obtain all CHRI that relates to a person subject to this section through the Clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI. <i>Education Code 22.0833; 19 TAC 153.1109(d)</i> |
| SUBSTITUTE TEACHERS | This section applies to a person who is a substitute teacher for a district or shared services arrangement. |
| APPLICABILITY | For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified. |
| INFORMATION TO DPS AND TEA | A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs. A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person: <ol style="list-style-type: none">1. May not be hired or must be discharged as provided by Education Code 22.085; or2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended. |
| EMPLOYMENT PENDING REVIEW | After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment. |
| CRIMINAL HISTORY | A district shall obtain all CHRI that relates to a person to whom this section applies through the Clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI. <i>Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)</i> |
| STUDENT TEACHERS APPLICABILITY | This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate. |

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

- CRIMINAL HISTORY A student teacher may not perform any student teaching until:
1. The student teacher has provided to a district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government; and
 2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

Education Code 22.0835

COORDINATION OF EFFORTS TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchapter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

ALL OTHER EMPLOYEES A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or
2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;
2. A law enforcement or criminal justice agency; or
3. A private consumer reporting agency [see CONSUMER CREDIT REPORTS, below].

Education Code 22.083(a), (a-1), (c); Gov't Code 411.097

CONFIDENTIALITY OF RECORD CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, "criminal history record" information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

Gov't Code 411.084

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

Gov't Code 411.097(d), (f)

DESTRUCTION OF
CHRI

A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

Gov't Code 411.097(d)(3)

CONFIDENTIALITY OF
INFORMATION
OBTAINED FROM
APPLICANT OR
EMPLOYEE

A district may not release information collected about a person in order to obtain CHRI, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

In addition, the information is not subject to disclosure under Government Code Chapter 522 (Public Information Act).

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

The district shall destroy the information not later than the first anniversary of the date the information is received.

Education Code 22.08391

SBEC NOTIFICATION

A superintendent shall promptly notify SBEC in writing by filing a report with the TEA staff within seven calendar days of the date the superintendent obtains or has knowledge of information indicating that 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. [See also DHB for details on reporting requirements.]

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

Education Code 22.087; 19 TAC 249.14(d), .3(43)

Note: For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

DISCHARGE OF
CONVICTED
EMPLOYEES

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a CHRI review that:

1. The employee or applicant has been convicted of:
 - a. A felony under Penal Code Title 5;
 - b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
 - c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

EXCEPTION

However, a district is not required to discharge or refuse to hire an employee or applicant if the person committed an offense under Title 5, Penal Code and:

1. The date of the offense is more than 30 years before:

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

- a. June 15, 2007, in the case of a person employed by a district as of that date; or
 - b. The date the person's employment will begin, in the case of a person applying for employment with a district after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

CERTIFICATION TO
SBEC

Each school year, the superintendent shall certify to the commissioner of education ("commissioner") that the district has complied with the above provisions at DISCHARGE OF CONVICTED EMPLOYEES as required by Education Code 22.085.

SANCTIONS

SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been convicted of an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See DISCHARGE OF CONVICTED EMPLOYEES, above]

OPTIONAL
TERMINATION

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the district. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085; 19 TAC 249.15(b)(12), (13) [See DF]

CONSUMER CREDIT
REPORTS

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

DEFINITIONS

"Consumer report" includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

"Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a person

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

OBTAINING
REPORTS

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

ADVERSE ACTION

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person's rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

15 U.S.C. 1681b(b)(2)

Note: The following provisions apply to a district that uses consumer reports.

ADDRESS
DISCREPANCIES

"Notice of address discrepancy" means a notice sent to a user by a consumer reporting agency that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

A district must develop and implement reasonable policies and procedures designed to enable the district, when it receives a notice of address discrepancy, to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report.

If a district regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which it received the notice of address discrepancy, the district must also develop and implement reasonable policies and procedures for furnishing an address for the consumer, which the district has reasonably confirmed is accurate, to the consumer reporting agency.

16 C.F.R. 641.1

DISPOSAL OF
RECORDS

A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LEGAL)

“Dispose” includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;
2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

16 C.F.R. 682.3

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LEGAL)

RESIGNATION
WITHOUT CONSENT
(UNILATERAL
RESIGNATION)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave district employment at the end of the school year without penalty by filing a written resignation with a board or a board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to a board president or a board's designee at the post office address of the district is considered filed at the time of mailing.

Education Code 21.105(a), .160(a), .210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 034-R9-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-RI-503 (Nov. 30, 2006).*

RESIGNATION WITH
CONSENT

The educator may resign, with the consent of the board or the board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

SANCTIONS FOR
ABANDONMENT OF
CONTRACT

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

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

Education Code 21.105(c), .160(c), .210(c)

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

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

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LEGAL)

from the district. Unless the district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract.

2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.
3. Submits the following required attachments to the written complaint:
 - a. The educator's resignation letter, if any;
 - b. The agreement with the educator regarding the effective date of separation from employment, if any;
 - c. The educator's contract; and
 - d. Board meeting minutes indicating a finding of "no good cause." If the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting.

19 TAC 249.14(g)

REPORT TO SBEC

A superintendent shall report the educator's resignation to SBEC if the conditions set forth at Education Code 21.006 exist. [See DHB] *Education Code 21.006*

INVESTIGATION

A superintendent shall complete an investigation of an educator if there is evidence that the educator may have abused or otherwise committed an unlawful act with a student or minor, despite the educator's resignation from district employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

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| 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. |
| "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. <i>Education Code 21.006, 22.087; 19 TAC 249.3(43), .14(d)</i> |
| REPORTABLE MISCONDUCT | A superintendent shall make a report to SBEC under Education Code 21.006 if there is evidence that the educator: 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; or 6. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event. |

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

“ABUSE”

“Abuse” includes the following acts or omissions:

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)

“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;
 - d. Whether the communications were made openly or secretly;

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

- 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)*

DEADLINE TO REPORT The superintendent must notify SBEC in writing not later than the seventh day after the date the superintendent knew about an em-

EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

DHB
(LEGAL)

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| | ployee'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> |
| NOTICE | <p>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></p> |
| SANCTIONS FOR FAILURE TO REPORT | <p>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></p> |
| IMMUNITY | <p>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. <i>Education Code 21.006(e)</i></p> |

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

SECTION E: INSTRUCTION

| | |
|-------|----------------------------------------------------|
| EA | INSTRUCTIONAL GOALS AND OBJECTIVES |
| EB | SCHOOL YEAR |
| EC | SCHOOL DAY |
| ED | ORGANIZATION OF INSTRUCTION |
| EE | INSTRUCTIONAL ARRANGEMENTS |
| EEA | Grouping for Instruction |
| EEB | Class Size |
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| EED | Student Schedules |
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| EFAA | Selection and Adoption |
| EFB | Library Media Programs |
| EFC | Community Instructional Resources |
| EFD | Field Trips |
| EFF | Instructional Television |
| EG | CURRICULUM DEVELOPMENT |
| EGA | Innovative and Magnet Programs |
| EH | CURRICULUM DESIGN |
| EHA | Basic Instructional Program |
| EHAA | Required Instruction (All Levels) |
| EHAB | Required Instruction (Elementary) |
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| EHAD | Elective Instruction |
| EHB | Special Programs |
| EHBA | Special Education |
| EHBAA | Identification, Evaluation, and Eligibility |
| EHBAB | ARD Committee and Individualized Education Program |
| EHBAC | Students in Non-District Placement |
| EHBAD | Transition Services |
| EHBAE | Procedural Requirements |
| EHBAF | Video/Audio Monitoring |

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SECTION E: INSTRUCTION

| | |
|------|-------------------------------------------------|
| EHBB | Gifted and Talented Students |
| EHBC | Compensatory/Accelerated Services |
| EHBD | Federal Title I |
| EHBE | Bilingual Education/ESL |
| EHBF | Career and Technical Education |
| EHBG | Prekindergarten |
| EHBH | Other Special Populations |
| EHBI | Adult and Community Education |
| EHBK | Other Instructional Initiatives |
| EHBL | High School Equivalency |
| EHBM | Travel Study |
| EHBN | Honors |
| EHD | Alternative Methods for Earning Credit |
| EHDA | Summer School |
| EHDB | Credit by Examination With Prior Instruction |
| EHDC | Credit by Examination Without Prior Instruction |
| EHDD | College Course Work/Dual Credit |
| EHDE | Distance Learning |

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|------|-------------------------------------|
| EI | ACADEMIC ACHIEVEMENT |
| EIA | Grading/Progress Reports to Parents |
| EIAA | Examinations |
| EIAB | Makeup Work |
| EIB | Homework |
| EIC | Class Ranking |
| EID | Honor Rolls |
| EIE | Retention and Promotion |
| EIF | Graduation |

EJ ACADEMIC GUIDANCE PROGRAM

| | |
|------|----------------------------------------|
| EK | TESTING PROGRAMS |
| EKB | State Assessment |
| EKBA | English Language Learners/LEP Students |
| EKC | Reading Assessment |
| EKD | Mathematics Assessment |

EL CHARTER CAMPUS OR PROGRAM

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|-----|--------------------------------------|
| EM | MISCELLANEOUS INSTRUCTIONAL POLICIES |
| EMA | Academic Freedom |
| EMB | Teaching About Controversial Issues |
| EMD | Ceremonies and Observances |
| EMG | Non-Service Animals |
| EMI | Study of Religion |

INSTRUCTIONAL ARRANGEMENTS
HOMEBOUND INSTRUCTION

EEH
(LOCAL)

- GENERAL EDUCATION Consistent with TEA's *Student Attendance Accounting Handbook (SAAH)*, a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. The parent's request for services shall be submitted to the principal in accordance with TEA's *SAAH* and administrative procedures.
- The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, if applicable, the length of the transition period to the school-based setting based on current medical information.
- SPECIAL EDUCATION Consistent with state rule and the *SAAH*, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical reasons specifically documented by a physician licensed to practice in the United States. If a student is chronically ill, the student's admission, review, and dismissal (ARD) committee shall determine whether the weeks of confinement need to be consecutive.
- If the ARD committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law, and, if applicable, the length of the transition period to the school-based setting based on current medical information.
- DOCUMENTATION OF SERVICES The District shall maintain full documentation about students receiving homebound services, in accordance with administrative procedures, the *SAAH*, and a student's individualized education program (IEP), as applicable.

SPECIAL EDUCATION
VIDEO/AUDIO MONITORING

EHBAF
(LEGAL)

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| PARENTAL CONSENT NOT REQUIRED | An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety as described by this policy. <i>Education Code 26.009(b)</i> |
| VIDEO SURVEILLANCE UPON REQUEST TO PROMOTE STUDENT SAFETY | In order to promote student safety on request by a parent, trustee, or staff member, a school district shall provide equipment, including a video camera, to each school in the district in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled. |
| CLASSROOM OR OTHER SETTING | Each school that receives equipment shall place, operate, and maintain one or more video cameras in each self-contained classroom or other special education setting in which a majority of the students in regular attendance are: <ol style="list-style-type: none">1. Provided special education and related services; and2. Assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day. A school shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements. |
| VIDEO CAMERAS | The video cameras must be capable of: <ol style="list-style-type: none">1. Covering all areas of the classroom or setting, except that the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed may not be visually monitored; and2. Recording audio from all areas of the classroom or setting. |
| WRITTEN NOTICE | Before a school places a video camera in a classroom or setting, the school shall provide written notice of the placement to all school staff and to the parents of a student receiving special education services in the classroom or setting. |
| RETENTION PERIOD | A school district shall retain video recorded from a camera for at least six months after the date the video was recorded. |
| GIFTS, GRANTS, AND DONATIONS | A school district may solicit and accept gifts, grants, and donations from any person for use in placing video cameras in classrooms or settings. |
| NO WAIVER OF IMMUNITY | The requirements described by this policy do not: <ol style="list-style-type: none">1. Waive any immunity from liability of a school district, or of district officers or employees; or |

SPECIAL EDUCATION
VIDEO/AUDIO MONITORING

EHBAF
(LEGAL)

2. Create any liability for a cause of action against a school district or against district officers or employees.
- NO MONITORING A school district may not:
1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
 2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.
- CONFIDENTIALITY A video recording of a student is confidential and may not be released or viewed except as provided below.
- LIMITED RELEASE A school district shall release a recording for viewing by:
1. A school district employee or a parent or guardian of a student who is involved in an incident documented by the recording for which a complaint has been reported to the district, on request of the employee, parent, or guardian, respectively;
 2. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;
 3. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioner's rule, or a human resources staff member designated by the board in response to a complaint or an investigation of district personnel or a complaint of abuse committed by a student; or
 4. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.
- DUTY TO REPORT If a person described by item 3 or 4 above who views the video recording believes that the recording documents a possible violation under Family Code, Chapter 261, Subchapter E, the person shall notify DFPS for investigation in accordance with Family Code 261.406.
- USE IN DISCIPLINARY ACTIONS AGAINST DISTRICT PERSONNEL If any person described by item 2, 3, or 4 above who views the recording believes that the recording documents a possible violation of district policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of district policy may be used as part of a disciplinary action against district personnel and shall be released at the request of the student's parent or guardian in a legal proceeding.

FERPA

State law does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act or other law.

Education Code 29.022

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LEGAL)

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

KINDERGARTEN-
GRADE 5

A district shall develop procedures for kindergarten acceleration that are approved by the board.

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

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

GRADES 6–12

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

1. A three or higher on a College Board advanced placement examination that has been approved by the board for the applicable course;
2. A scaled score of 50 or higher on an examination administered through the College-Level Examination Program (CLEP) and approved by the board for the applicable course; or
3. Eighty percent or above on any other criterion-referenced test approved by the board for the applicable course.

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

BOARD-APPROVED
EXAMINATIONS

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

The examinations may be developed by Texas Tech University, The University of Texas at Austin, the school district, or another entity.

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LEGAL)

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

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

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

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

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

ANNUAL
ADMINISTRATION

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

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LEGAL)

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

STUDENTS WHO
ARE HOMELESS OR
IN SUBSTITUTE
CARE

A district shall provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year.

LIMITATIONS ON
TAKING
EXAMINATIONS

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

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

FEES

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

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

ACADEMIC ACHIEVEMENT

EI
(LEGAL)

| | |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AWARD OF CREDIT | The award of credit for a course affirms that a student has satisfactorily met state and local requirements. <i>19 TAC 74.26(a)</i> |
| EARLY AWARD OF CREDIT | A district may offer courses designated for grades 9–12 in earlier grade levels. Credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. <i>19 TAC 74.26(b)</i> |
| PARTIAL AWARD | <p>In accordance with a district’s local policy, a student who is able to successfully complete only one semester of a two-semester course can be awarded credit proportionately. <i>19 TAC 74.26(d)</i></p> <p>A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only one semester of a two-semester course. <i>19 TAC 74.26(e)</i></p> |
| ATTENDANCE FOR CREDIT OR FINAL GRADE | Unless credit is awarded by the attendance committee, or regained in accordance with a principal’s plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. <i>Education Code 25.092</i> |
| GRADUATION REQUIREMENTS | Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. <i>19 TAC 74.26(a)(1), (c)</i> |
| ACADEMIC ACHIEVEMENT RECORD | <p>Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.</p> <p>The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.</p> <p>Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.</p> |

ACADEMIC ACHIEVEMENT

EI
(LEGAL)

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)

TRANSCRIPT SEALS Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

ENDORSEMENT Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

PERFORMANCE ACKNOWLEDGMENT Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).

DISTINGUISHED LEVEL OF ACHIEVEMENT Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).

Education Code 28.025(e-1); 19 TAC 74.5(f)–(h), .11(b)

CERTIFICATE OF COURSEWORK COMPLETION A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. [See FMH for participation in the graduation ceremony.] *19 TAC 74.5(i)*

EARLY HIGH SCHOOL GRADUATION SCHOLARSHIP PROGRAM For purposes of the Early High School Graduation Scholarship Program, a student who does not satisfy the curriculum requirements for a recommended or advanced high school program is considered to have satisfied those requirements if the high school from which the student graduated indicates on the student's transcript that the student was unable to complete the appropriate curriculum within the time prescribed solely because of a reason beyond the student's control, such as lack of enrollment capacity or a shortage of qualified teachers. *Education Code 56.203(d)*

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

STATE ASSESSMENT
OF ACADEMIC SKILLS

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

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

LIMITED ENGLISH
PROFICIENT
STUDENTS

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

SPECIAL
EDUCATION

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

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

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

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

MILITARY
DEPENDENTS

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

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

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

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

SUBSTITUTE
PASSING
STANDARD

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

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

ADMINISTRATION

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

SCHEDULE

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

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

19 TAC 101.25

ALTERNATE TEST
DATES

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

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

"Exceptional circumstances" include:

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

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

19 TAC 101.5003

NOTICE TO PARENTS
AND STUDENTS

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

GRADE
ADVANCEMENT
TESTING

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

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

GRADUATION
TESTING

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

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

19 TAC 101.3012

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

TESTING IN GRADES
3–8

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

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

Education Code 39.023(a)

EXCEPTION

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

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

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

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

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

ACCOMMODATIONS

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

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

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

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

END-OF-COURSE
ASSESSMENTS

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

STUDENTS
ENROLLED BELOW
HIGH SCHOOL
LEVEL

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

ASSESSMENT
REQUIREMENTS
FOR GRADUATION

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

EXCEPTIONS
ENGLISH I OR
ENGLISH II

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

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

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

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

CREDITS
EARNED
PRIOR TO
ENROLLMENT

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

19 TAC 101.3021(e), .3022

SUBSTITUTE
ASSESSMENTS

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

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

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative (TSI) assessment also meets the following criteria:
 - a. A student must have been enrolled in a college preparatory course for English language arts or mathematics and, in accordance with Education Code 39.025(a-1), have been administered an appropriate TSI assessment at the end of that course.
 - (1) A student under this provision who meets all TSI English language arts score requirements provided in the chart at 19 Administrative Code 101.4002(b) satisfies both the English I and English II EOC assessment graduation requirements.
 - (2) A student under this provision may satisfy an assessment graduation requirement in such a manner regardless of previous performance on an Algebra I, English I, or English II EOC assessment.
 - b. In accordance with Education Code 39.025(a-3), a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking

the assessment may use the corresponding TSI assessment in place of that EOC assessment.

- (1) For a student under this provision who took separate reading and writing assessments for the English II EOC assessment and who did not meet the English II assessment graduation requirement using those tests as specified in 19 Administrative Code 101.3022(b) (relating to Assessment Requirements for Graduation), the separate TSI reading or writing assessment may not be used to substitute for the corresponding English II reading or writing EOC assessment.
- (2) The provisions of this paragraph expire September 1, 2017. A student may meet the assessment graduation requirements under this provision using the TSI if the student has met the necessary score requirements as specified in the chart at 19 Administrative Code 101.4002(b) prior to September 1, 2017.

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

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

VERIFICATION OF RESULTS

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

Upon receipt of official results of an approved substitute assessment, a district must:

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

19 TAC 101.4002, .4005

SATISFACTORY PERFORMANCE

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

INDIVIDUAL
GRADUATION
COMMITTEE

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF]

Starting with the 2014-15 school year, a student who has taken but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an IGC under Education Code 28.0258.

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. Under this provision, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an IGC.

ENGLISH
LANGUAGE
LEARNERS

A student who is an English language learner (ELL) and qualifies for the English I special provision in 19 Administrative Code 101.1007 [see EKBA] may graduate without an IGC if the student achieves satisfactory performance on the remaining EOC assessments that the student is required to take.

The qualifying ELL becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying ELL does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

RETAKES

Notwithstanding any action taken by a student's IGC, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

APPLICATION
AND EXPIRATION

This provision only applies to a student classified by the district as an 11th or 12th grade student in the 2014–15, 2015–16, or 2016–17 school year.

This provision expires September 1, 2017. A student may graduate by means of an IGC if the student has qualified for an IGC under Education Code 28.0258 and that IGC convened prior to September 1, 2017.

Education Code 28.0258, 39.025(a-2); 19 TAC 101.3022(e)

SPECIAL
EDUCATION

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (relating to Graduation Requirements) and 19 Administrative Code 101.3023 (relating to Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See INDIVIDUAL GRADUATION COMMITTEE, above]

19 TAC 101.3022(f)

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

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an al-

ternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

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

19 TAC 101.3023

| | |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CREDIT BY EXAMINATION | An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] <i>19 TAC 101.3021(c)</i> |
| ADDITIONAL STATE ASSESSMENTS | TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. <i>Education Code 39.023(c-2)</i> |
| RETAKES | <p>Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See SATISFACTORY PERFORMANCE, above]</p> <p>A student is not required to retake a course as a condition of retaking an EOC assessment instrument.</p> <p>If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.</p> <p><i>Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)</i></p> |
| REPORTING RESULTS TO THE PUBLIC | Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. <i>Education Code 39.030(b)</i> |
| TO THE BOARD | A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials. |
| TO PARENTS, STUDENTS, AND TEACHERS | A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at CONFIDENTIALITY, |

below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

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

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

PARENTAL ACCESS

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

OUT-OF-STATE
TRANSFERS

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

FURTHER
INSTRUCTION
ACCELERATED
INSTRUCTION

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of

the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

COLLEGE
READINESS

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

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

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

FACULTY

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

NOTICE

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

CREDIT
EARNED

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

TESTING PROGRAMS
STATE ASSESSMENT

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| DUAL CREDIT | <p>A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.</p> |
| INSTRUCTIONAL MATERIALS | <p>Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.</p> <p><i>Education Code 28.014</i></p> |
| SECURITY | <p>To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, districts must comply with all of the applicable requirements specified in the test administration materials, which include general testing program information, requirements for ensuring test security and confidentiality described in the annual Test Security Supplement, procedures for test administration, responsibilities of personnel involved in test administration, and procedures for materials control.</p> <p>Test coordinators and administrators must receive all applicable training as required in the test administration materials and districts must maintain records related to the security of assessment instruments for a minimum of five years.</p> <p><i>19 TAC 101.3031</i></p> |
| CONFIDENTIALITY | <p>Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. <i>Education Code 39.030(b)</i> [See FL and GBA]</p> |
| PENALTIES | <p>Violation of security or confidentiality of any test is prohibited. A person who engages in conduct prohibited by the Test Security Supplement may be subject to sanction of credentials.</p> <p>Procedures for maintaining the security and confidentiality of state assessments are specified in the Test Security Supplement and in the appropriate test administration materials. Conduct that violates the security and confidentiality of a test is defined as any departure from the test administration procedures established in the Test Security Supplement and other test administration materials. Conduct of this nature may include the following acts and omissions:</p> <ol style="list-style-type: none">1. Viewing a test before, during, or after an assessment unless specifically authorized to do so;2. Duplicating secure examination materials; |

3. Disclosing the contents of any portion of a secure test;
4. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
5. Changing or altering a response or answer of an examinee to a secure test item or prompt;
6. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
7. Encouraging or assisting an individual to engage in the conduct described in the items listed above; or
8. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in the items listed above.

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

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

Release or disclosure of confidential test content could result in criminal prosecution under Education Code 39.0303, Government Code 552.352, and Penal Code 37.10. The State Board for Educator Certification may take any of the above actions based on satisfactory evidence that an educator has failed to cooperate with TEA in an investigation.

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

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

19 TAC 101.3031(b)(2), 249.15

TESTING PROGRAMS
STATE ASSESSMENT

EKB
(LEGAL)

MINIMIZE
DISRUPTIONS

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

EQUAL EDUCATIONAL OPPORTUNITY

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(LEGAL)

- NONDISCRIMINATION A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. *Education Code 1.002(a)*
- No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. *Civ. Prac. & Rem. Code 106.001*
- A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. *Education Code 1.002(b)*
- FEDERAL FUNDING
RECIPIENTS No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:
1. Sex.
 2. Race, color, or national origin.
 3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]
 4. Age.
- 20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 (Age Discrimination Act of 1975)*
- SEXUAL
HARASSMENT Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See also DIA and FFH]
- HUMAN RIGHTS
COORDINATOR A district shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, and the ADA. The district shall notify all students and employees of the name, office address, and telephone number of the employee(s) so designated.
- GRIEVANCE
PROCEDURES A district shall adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under these statutes. [See FNG]
- 34 C.F.R. 106.8 (Title IX), 104.7 (Section 504)*
- RETALIATION A district shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)*

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STUDENTS WITH
LEARNING
DIFFICULTIES

The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004. Each school year, each district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means.
Education Code 26.0081

DISABILITY
DISCRIMINATION
ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. *42 U.S.C.A. 12132; 28 C.F.R. 35.130*

SECTION 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C.A. 794(a)*

DEFINITIONS
"STUDENT WITH A
DISABILITY"

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being "regarded as" having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory im-

pairment is one with an actual or expected duration of 6 months or less.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4)

“QUALIFIED
INDIVIDUAL WITH
A DISABILITY”

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

“MAJOR LIFE
ACTIVITIES”

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

REASONABLE
MODIFICATION

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

DIRECT THREAT

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and

3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

FREE APPROPRIATE
PUBLIC EDUCATION
(FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *28 C.F.R. 35.104(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 C.F.R. 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

EDUCATIONAL
SETTING

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, a district shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 C.F.R. 104.34(b), 104.37*

EVALUATION AND
PLACEMENT

A district shall conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

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EVALUATION
PROCEDURES

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

PLACEMENT
PROCEDURES

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

REEVALUATION

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35

MILITARY
DEPENDENTS

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–

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12165), the District shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C* [See FDD]

PROCEDURAL
SAFEGUARDS

A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 C.F.R. 104.36*

HOMELESS CHILDREN

A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]

LIAISON

A district shall designate an appropriate staff person as the district liaison for homeless children. A district shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison. [See FFC]

No Child Left Behind Act of 2001, 42 U.S.C. 11432(g)(1)(J)(i), (ii)

RELIGIOUS FREEDOM

A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003* [See also DAA and GA]

DISCRIMINATION ON
THE BASIS OF SEX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)*

A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 C.F.R. 106.34*

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| SEPARATE FACILITIES | A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. <i>34 C.F.R. 106.33</i> |
| HUMAN SEXUALITY CLASSES | Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls. |
| VOCAL MUSIC ACTIVITIES | A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex. <i>34 C.F.R. 106.34</i> |
| SINGLE-SEX PROGRAMS | A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district unless the district otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities. <i>34 C.F.R. 106.35</i> |
| PREGNANCY AND MARITAL STATUS | A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. <i>34 C.F.R. 106.40</i> [See FND] |
| PHYSICAL EDUCATION CLASSES | A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex. |
| SKILLS ASSESSMENT | Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect. |
| CONTACT SPORTS | A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact. <i>34 C.F.R. 106.34</i> |
| ATHLETIC PROGRAMS | A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis. |
| SINGLE-SEX TEAMS | A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and ath- |

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letic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

EQUAL ATHLETIC
OPPORTUNITIES

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

34 C.F.R. 106.41

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

Note: The following provisions address equal educational opportunity for all students in accordance with law. For provisions addressing discrimination, harassment, and retaliation involving District students, see FFH.

TITLE IX
COORDINATOR

The District has designated a Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. [See FB(EXHIBIT)]

ADA / SECTION 504
COORDINATOR

The District has designated an ADA/Section 504 coordinator for students to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended. [See FB(EXHIBIT)]

SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

EQUAL EDUCATIONAL
OPPORTUNITY

GENERAL
EDUCATION

The District shall provide necessary services and supports to provide students equal access to educational opportunities. [See EHBC] Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment. [See EKB]

ADDITIONAL
SERVICES AND
SUPPORTS

If the District has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by the District. [See also EHBA series]

[For information regarding dyslexia and related disorders, see EHB.]

Note: The following provisions address the District's compliance efforts and system of procedural safeguards as required by federal regulations for a student with a disability as defined by Section 504. A report of discrimination or harassment based on a student's disability shall be made in accordance with FFH.

SECTION 504
COMMITTEES

The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for

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identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

REFERRALS

If a teacher, school counselor, administrator, or other District employee has reason to believe that a student may have a disability as defined by Section 504, the District shall evaluate the student. A student may also be referred for evaluation by the student's parent.

NOTICE AND
CONSENT

The District shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.

EVALUATION AND
PLACEMENT

The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that the District's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.

REVIEW AND
REEVALUATION
PROCEDURE

To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations.

A parent, teacher, or other District employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.

EXAMINING
RECORDS

A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records. [See FL]

RIGHT TO
IMPARTIAL
HEARING

A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibit-

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ed under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.

RECORDS
RETENTION

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records retention schedules. [See CPC]

EQUAL EDUCATIONAL OPPORTUNITY

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(EXHIBIT)

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, for students:

Name: Anitrea Goodwin
Position: Executive Director of Human Resources
Address: 902 West Park, Orange, TX 77631
Telephone: (409) 882-5610

The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for students:

Name: Dr. Nina Leblanc
Position: Executive Director of Student Services
Address: 902 West Park, Orange, TX 77631
Telephone: (409) 882-5407

ADMISSIONS

FD
(LEGAL)

GENERAL ELIGIBILITY A board or its designee shall admit into the public schools of a district free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought, and may admit a person who is at least 21 and under 26 for the purpose of completing the requirements for a high school diploma, if any of the following conditions exist:

STUDENT AND PARENT

1. The person and either parent reside in the district.

CONSERVATOR

2. The person does not reside in the district, but one of the parents resides in the district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

GUARDIAN OR PERSON HAVING LAWFUL CONTROL

3. The person and his or her guardian or other person having lawful control under an order of a court reside in the district.

STUDENTS LIVING SEPARATE AND APART

4. The person is under the age of 18 and has established a separate residence in the district apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the district is not for the primary purpose of participation in extracurricular activities. A board is not required to admit such person, however, if the person has:

- a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;
- b. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or
- c. Been convicted of a criminal offense and is on probation or other conditional release.

Education Code 25.001(a)-(b), (d)

HOMELESS STUDENTS

5. The person is a homeless child. [See also FDC]

- a. A child is "homeless," under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:
 - (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in

emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

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

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

- (a) Has moved from one school district to another; or
 - (b) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.
- b. A child is homeless, under state law, regardless of the residence of the child, either parent, or the child’s guardian or other person having lawful control, if:
- (1) The child lacks a fixed, regular, and adequate nighttime residence; or
 - (2) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education Code 25.001(b); 20 U.S.C. 6399; 42 U.S.C. 11434a

ADMISSIONS

FD
(LEGAL)

FOREIGN
EXCHANGE
STUDENTS

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

Education Code 25.001(b)(6), (e)

STUDENTS IN
RESIDENTIAL
FACILITY

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

STUDENTS
OVER 18

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

RESIDENT
GRANDPARENT

9. The person does not reside in the district but the grandparent of the person:
 - a. Resides in the district; and
 - b. Provides a substantial amount of after-school care for the person as determined by the board.

Education Code 25.001(b)(9)

PROOF OF ELIGIBILITY

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

ADMISSIONS

FD
(LEGAL)

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| "RESIDENCE" DEFINED | <p>"Residence" requires living in the district and having the present intention to remain there. <i>Martinez v. Bynum</i>, 461 U.S. 321 (1983)</p> <p>A district may withdraw any student who ceases to be a resident. <i>Daniels v. Morris</i>, 746 F.2d 271 (5th Cir. 1984)</p> |
| IMMIGRATION STATUS | <p>Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. <i>Plyler v. Doe</i>, 457 U.S. 202 (1982)</p> |
| HIGH SCHOOL EQUIVALENCY CERTIFICATE | <p>A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. <i>Education Code 29.087(h)</i></p> |
| SUBSTITUTE FOR PARENT OR GUARDIAN | <p>A board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. <i>Education Code 25.001(j)</i></p> |
| AUTHORIZATION AGREEMENT | <p>A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with the child's grandparent, adult sibling, or adult aunt or uncle to authorize the relative to perform acts described in Family Code 34.002 in regard to the child, such as:</p> <ol style="list-style-type: none"><li data-bbox="560 1134 1422 1272">1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;<li data-bbox="560 1293 1097 1327">2. Enrolling the child in the district; and<li data-bbox="560 1348 1422 1453">3. Authorizing the child to participate in age-appropriate extra-curricular, civic, social, or recreational activities, including athletic activities. <p>A parent may also enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of abuse or neglect or while DFPS is providing services to the parent.</p> <p>The authorization agreement must conform to the requirements of Family Code Chapter 34.</p> <p>Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement</p> |

does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect.

IMMUNITY

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34.

Family Code 34.001–.009

Note: The Authorization Agreement for Nonparent Relative is available at <http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf>.

STUDENTS IN FOSTER CARE

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

A student who was enrolled in a primary or secondary public school before the student entered the conservatorship of DFPS and who is placed at a residence outside the attendance area for a school or outside a district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g)*

If a student who is in the conservatorship of DFPS is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of DFPS, the student is entitled to continue to attend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the district. The student is entitled to continue to attend the school regardless of whether the student remains in the con-

servatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g-1)*

The appropriate state agency shall coordinate with the district to ensure that the case plan for a student placed in foster care contains a plan for ensuring the educational stability of the child while in foster care, including ensuring that the child remains in the school in which the child is enrolled at the time of each placement, or if remaining in that school is not in the best interests of the child, providing immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school. *42 U.S.C. 675(1)(G)*

TRANSFERS FROM
OTHER STATES

A district shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to a district. *Education Code 25.003*

STUDENTS HOLDING
F-1 STUDENT VISAS

If a student is required, as a condition of obtaining or holding the appropriate U.S. student visa, to pay tuition to the district that the student attends to cover the cost of the student's education provided by the district, the district shall accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student's education for the period of the student's attendance at school in the district.

The commissioner shall develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a student's education. A district may not accept tuition in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district.

The attendance of a student for whom a school district accepts tuition is not counted for purposes of allocating state funds to the district.

Education Code 25.0031

Note: Enrolling students with F-1 visas is optional. If the district is interested in enrolling students with F-1 visas, it must comply with the federal Student and Exchange Visitor Program (SEVP) under the Department of Homeland Security. Detailed information regarding SEVP can be found at <http://www.ice.gov/sevis/>.

TEXAS JUVENILE
JUSTICE
DEPARTMENT

A school-age child of an employee of the Texas Juvenile Justice Department (TJJD) residing in an adjacent district may attend school in a district free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TJJD facility. *Education Code 25.042*

ENROLLMENT

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. A district shall record the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

LEGAL SURNAME

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

REQUIRED
DOCUMENTATION

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.

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

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

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1)

SUMMER SCHOOL
ENROLLMENT

A district shall permit a person who is eligible under Education Code 25.001 [see GENERAL ELIGIBILITY, above] to attend school in the district but who is not enrolled in school in the district to enroll in a district summer school course on the same basis as a district student, including satisfaction of any course eligibility requirement and payment of any fee authorized under Education Code 11.158 [see FP] that is charged in connection with the course.

This requirement does not apply to enrollment in a Summer Intensive Mathematics Instruction Program under Education Code 29.088, a Summer Intensive Science Instruction Program under Education Code 29.090, or an Intensive Summer Program under Education Code 29.098 or in a similar intensive program.

Education Code 25.008

FOOD ALLERGY
INFORMATION

On enrollment, a district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The district shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

ADMISSIONS

FD
(LEGAL)

“Severe food allergy” means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Education Code 25.0022(a)–(c)

CHILD IN DFPS
POSSESSION

A district shall enroll a child without the required documentation if DFPS has taken possession of the child. DFPS shall ensure that the required documentation is furnished to a district not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

INCONSISTENT
DOCUMENTATION

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

MISSING
DOCUMENTATION

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

Education Code 25.002(b)–(c)

STUDENTS UNDER 11

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

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

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

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

Code of Criminal Procedure 63.019

FALSE INFORMATION

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

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

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

PLACEMENT OF
TRANSFERS

CREDITS AND
RECORDS

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

A district shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in TJJD educational programs. *Education Code 30.104*

Each district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. *Education Code 37.011(d)*

NONPUBLIC
SCHOOLS

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety

ADMISSIONS

FD
(LEGAL)

of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

FOUNDATION SCHOOL PROGRAM

A person is entitled to the benefits of the available school fund for a school year if:

1. On September 1 of the year, the person:
 - a. Is at least five years of age and under 21 years of age, and has not graduated from high school;
 - b. Is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma; or
 - c. Is at least 19 years of age and under 26 years of age and is enrolled in an adult high school diploma and industry certification charter school pilot program under Education Code 29.259.
2. The person is enrolled in prekindergarten under Education Code 29.153 or Subchapter E-1, Chapter 29 [see EHBG].
3. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and a district has adopted a policy to admit students younger than five years of age.
4. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

Education Code 25.001(a), 42.003

SCREENING

The principal of each district school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and a risk assessment for Type 2 diabetes, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]

PEST CONTROL INFORMATION

At the time a student is registered, district personnel shall inform parents, guardians, or managing conservators that the school periodically applies pesticides indoors and that information on the application of pesticides is available on request. *Occupations Code 1951.455* [See CLB]

ADMISSIONS

FD
(LOCAL)

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| PERSONS AGE 21 AND OVER | The District shall not admit into its public schools any person age 21 or over unless otherwise required by law. |
| REGISTRATION FORMS | The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms. |
| PROOF OF RESIDENCY | At the time of initial registration and on an annual basis thereafter, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency in accordance with administrative regulations developed by the Superintendent. The District may investigate stated residency as necessary. |
| MINOR LIVING APART PERSON STANDING IN PARENTAL RELATION | A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District. |
| MISCONDUCT | A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school. |
| EXCEPTIONS | Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct. |
| EXTRACURRICULAR ACTIVITIES | The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities. |
| NONRESIDENT STUDENT IN GRANDPARENT'S AFTER-SCHOOL CARE | <p>The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.</p> <p>The Superintendent shall have authority to approve or deny such admissions requests in accordance with this policy.</p> |
| SUBSTANTIAL AFTER-SCHOOL CARE | <p>For the purpose of admission under this provision, a substantial amount of after-school care shall consist of at least two hours per school day for five days during the regular school week.</p> <p>A student enrolled under this provision may continue in enrollment so long as the grandparent provides this level of care.</p> |

ADMISSIONS

FD
(LOCAL)

The Superintendent shall have authority to waive these requirements on the basis of a student's extenuating circumstances..

"ACCREDITED"
DEFINED

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

GRADE-LEVEL
PLACEMENT
ACCREDITED
SCHOOLS

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

NONACCREDITED
SCHOOLS

A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

TRANSFER OF CREDIT
ACCREDITED
TEXAS PUBLIC
SCHOOLS

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

OTHER
ACCREDITED OR
NONACCREDITED
SCHOOLS

Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit. [See EI]

WITHDRAWAL

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdraw-

ADMISSIONS

FD
(LOCAL)

al. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

ATTENDANCE
ATTENDANCE ACCOUNTING

FEB
(LOCAL)

ATTENDANCE
ACCOUNTING SYSTEM

The Superintendent shall be responsible for maintaining a student attendance accounting system in accordance with statutory and TEA requirements. [See also FD for admissions and residency requirements.]

ALTERNATIVE
RECORDING TIME

When appropriate, the Superintendent shall establish written procedures permitting a campus to specify an alternative time for taking attendance other than the second or fifth instructional hour. Exceptions may be authorized for an entire campus or for a designated group of students at a campus. The alternative time for recording attendance shall be determined in accordance with TEA's *Student Attendance Accounting Handbook*.

PARENTAL CONSENT
TO LEAVE CAMPUS

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures for documenting a student's absence. The procedures shall be communicated in the employee and student handbooks.

STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

FFA
(LEGAL)

- WELLNESS POLICY Each district participating in a program authorized by the Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., or the Child Nutrition Act, 42 U.S.C. 1771 et seq., shall establish a local school wellness policy for schools in the district.
- GUIDELINES The U.S. Secretary of Agriculture shall promulgate regulations that provide the framework and guidelines for districts to establish local school wellness policies, including, at a minimum:
1. Goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;
 2. For all foods available on each school campus during the school day, nutrition guidelines that are consistent with sections 9 and 17 of the National School Lunch Act and sections 4 and 10 of the Child Nutrition Act, and promote student health and reduce childhood obesity;
 3. A requirement that a district 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;
 4. A requirement that a district inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy.
 5. A requirement that a district periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including:
 - a. The extent to which schools in 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; and
 6. A requirement that a district designate one or more district or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

FFA
(LEGAL)

LOCAL DISCRETION A district shall use the guidelines to determine specific policies appropriate for the schools in the district.

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, sec. 204, 124 Stat. 3183 (2010) [42 U.S.C. 1758b]

[See EHAA for state law requirements relating to health education]

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;
 - 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

West Orange-Cove CISD
181906

STUDENT WELFARE
STUDENT SUPPORT SERVICES

FFC
(EXHIBIT)

The District has designated the following employee as the liaison for homeless students:

Name: Wayne Guidry
Position: Executive Director of Operations
Address: 902 West Park, Orange, TX 77631
Telephone: (409) 882-5462

Note: This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

SEXUAL HARASSMENT
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

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GENDER-BASED
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the

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| | <p>student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.</p> |
| RETALIATION | <p>The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.</p> |
| EXAMPLES | <p>Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.</p> |
| FALSE CLAIM | <p>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.</p> |
| PROHIBITED CONDUCT | <p>In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.</p> |
| REPORTING PROCEDURES | <p>Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.</p> |
| STUDENT REPORT | |
| EMPLOYEE REPORT | <p>Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.</p> |
| DEFINITION OF DISTRICT OFFICIALS | <p>For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.</p> |
| TITLE IX COORDINATOR | <p>Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]</p> |
| ADA / SECTION 504 COORDINATOR | <p>Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]</p> |

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| SUPERINTENDENT | The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws. |
| ALTERNATIVE REPORTING PROCEDURES | <p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p> |
| TIMELY REPORTING | Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct. |
| NOTICE TO PARENTS | The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. |
| INVESTIGATION OF THE REPORT | The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form. |
| INITIAL ASSESSMENT | <p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at CRIMINAL INVESTIGATION.</p> <p>If the District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.</p> |
| INTERIM ACTION | If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation. |
| DISTRICT INVESTIGATION | <p>The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed,</p> |

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and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

CRIMINAL
INVESTIGATION

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

NOTIFICATION OF
OUTCOME

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

DISTRICT ACTION
PROHIBITED
CONDUCT

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

CORRECTIVE
ACTION

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

BULLYING

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

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| IMPROPER CONDUCT | If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct. |
| CONFIDENTIALITY | To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. |
| APPEAL | A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights. |
| RECORDS RETENTION | The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records retention schedules, but for no less than the minimum amount of time required by law. [See CPC] |
| ACCESS TO POLICY AND PROCEDURES | Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices. |

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(EXHIBIT)

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, for students:

Name: Anitrea Goodwin
Position: Executive Director of Human Resources
Address: 902 West Park, Orange, TX 77631
Telephone: (409) 882-5610

The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for students:

Name: Dr. Nina Leblanc
Position: Executive Director of Student Services
Address: 902 West Park, Orange, TX 77631
Telephone: (409) 882-5407

STUDENT RECORDS

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

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| SECTION I | Education Records | pages 2–4 |
| | <ol style="list-style-type: none">1. Definition of 'education records'2. Screening records3. Immunization records4. Medical records5. Food allergy information6. Assessment instruments7. Academic achievement record (transcript)8. Enrollment records | |
| SECTION II | Access, Disclosure, and Amendment | pages 5–17 |
| | <ol style="list-style-type: none">1. Access to education records2. Information collection3. Subpoenaed and sex offender records4. Request procedure5. Destruction of requested records6. De-Identified records, authenticating requestors' identities7. Transfer by third parties to other persons8. Record of access to student records9. Right to amend records10. Fees for copies11. Records of students with disabilities12. Annual notification of rights | |
| SECTION III | Directory Information | pages 17–20 |
| | <ol style="list-style-type: none">1. Definition and disclosure of directory information2. Designation of directory information3. Annual notice, contents4. Student recruiting information, parental consent to release | |
| SECTION IV | Videotapes and Recordings | pages 20–21 |
| | <ol style="list-style-type: none">1. Parental consent2. Exceptions to consent | |
| SECTION V | Information from Law Enforcement | pages 21–23 |
| | <ol style="list-style-type: none">1. Criminal records2. Duty to flag records of missing children | |

SECTION I: EDUCATION RECORDS

“EDUCATION
RECORDS” DEFINED

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

The term “education records” does not include:

1. Records that are created or received by a district after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
2. Records made by district personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of a district that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

SCREENING
RECORDS

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office

STUDENT RECORDS

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may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS. *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.148(o)* [See FFAA]

IMMUNIZATION RECORDS

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

MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student's medical records maintained by a district. On request of a student's parent or guardian, a district shall provide a copy of the student's medical records to the parent or guardian. A district may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. *Education Code 38.0095*

PRIVACY RULE FOR NON-"EDUCATION RECORDS"

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

FOOD ALLERGY INFORMATION

Information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the district.

EXCEPTIONS

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the district.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the district, including a notation that the child's student records indicate that a parent has notified the district of the child's possible food allergy.

Education Code 25.0022(d)-(f)

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ASSESSMENT
INSTRUMENTS

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

ACADEMIC
ACHIEVEMENT
RECORD
(GRADES 9–12)

Following guidelines developed by the commissioner of education ("commissioner"), a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by the district. Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.5(b)* [See EI]

ENROLLMENT
RECORDS

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Education Code 25.002(a)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1) [See FD]

SECTION II: ACCESS, DISCLOSURE, AND AMENDMENT

ACCESS TO
EDUCATION RECORDS

DEFINITIONS

“ATTENDANCE”

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

“DISCLOSURE”

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

“PARENT”

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

“PERSONALLY
IDENTIFIABLE
INFORMATION”

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

“RECORD”

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

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“AUTHORIZED REPRESENTATIVE”

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

“EDUCATION PROGRAM”

“Education program” means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

34 C.F.R. 99.3

“SIGNED AND DATED WRITTEN CONSENT”

“Signed and dated written consent” may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person’s approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

ACCESS BY PARENTS

Access to the education records of a student who is or has been in attendance at a school in a district shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes.
34 C.F.R. 99.10, .31(a)(8)

A district shall presume that a parent has authority to inspect and review the student’s records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child’s records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.
34 C.F.R. 99.4; Family Code 153.012, .073

A parent is entitled to access to all written records of a district concerning the parent’s child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, and reports of behavioral patterns. *Education Code 26.004*

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ACCESS BY
STUDENT

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

Nothing in this section prevents a district from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5

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

ACCESS BY OTHER
PERSONS

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

SCHOOL
OFFICIALS

1. School officials, including teachers, who have legitimate educational interests. An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined in district policy.

A contractor, consultant, volunteer, or other party to whom a district has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

- a. Performs an institutional service or function for which the district would otherwise use employees;
- b. Is under the direct control of the district with respect to the use and maintenance of education records; and
- c. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

A district must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in

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compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31, .36; Education Code 38.009

OFFICIALS OF
OTHER SCHOOLS

2. Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that a district either:
 - a. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
 - b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

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

34 C.F.R. 99.34

AUTHORIZED
GOVERNMENTAL
REPRESENTATIVES

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

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

FINANCIAL AID
PERSONNEL

4. Personnel involved with a student's application for, or receipt of, financial aid.

JUVENILE
JUSTICE
OFFICIALS

5. State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

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- a. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
- b. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC].

Education Code 37.084(a)

ORGANIZATIONS
CONDUCTING
STUDIES

6. Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The district must enter into a written agreement with the organization that:

- a. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
- b. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
- c. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
- d. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was con-

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ducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the district in accordance with the requirements of 34 C.F.R. 99.33(b).

A district is not required to initiate a study or agree with or endorse the conclusions or results of the study.

ACCREDITING
ORGANIZATIONS

7. Accrediting organizations that require the information for purposes of accreditation.

HEALTH OR
SAFETY
EMERGENCY

8. Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the U.S. Department of Education (DOE) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

34 C.F.R. 99.36

SECRETARY OF
AGRICULTURE

9. The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. 1232g(b)(1)(K)*

STATE OR LOCAL
CHILD WELFARE
AGENCY

10. An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the

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agency to receive the disclosure. Any subsequent disclosure must be consistent with state laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*

DIRECTORY
INFORMATION

11. Any person requesting directory information after a district has given public notice of that definition. *34 C.F.R. 99.37*

20 U.S.C. 1232g(b); 34 C.F.R. 99.31

WRITTEN
CONSENT

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

INFORMATION
COLLECTION

U.S. DOE-FUNDED
SURVEYS

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

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

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

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| INFORMATION COLLECTION FUNDED BY OTHER SOURCES | Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). <i>20 U.S.C. 1232h(c)(1)–(4)</i> [See EF] |
| SUBPOENAED RECORDS | A district shall release student records to an entity or persons designated in a subpoena. A district shall not disclose to any person the existence or contents of the subpoena if a court orders the district to refrain from such disclosure. Unless the court or other issuing agency orders the district to refrain from such disclosure or the order is an ex parte court order obtained by the U.S. Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, the district shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. <i>20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9)</i> |
| SEX OFFENDERS | A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. <i>34 C.F.R. 99.31(a)(16)</i> |
| REQUEST PROCEDURE | Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. A district shall respond to reasonable requests for explanations and interpretations of the records. <i>34 C.F.R. 99.10</i> |
| DESTRUCTION OF RECORDS | A district shall not destroy any education records if there is an outstanding request to inspect and review the records. <i>34 C.F.R. 99.10(e)</i> |
| DE-IDENTIFIED RECORDS | A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. |

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EDUCATION
RESEARCH

A district, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. A district or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

AUTHENTICATING
REQUESTORS'
IDENTITIES

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records.

34 C.F.R. 99.31(b)–(c)

TRANSFER NOT
PERMITTED

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

A district shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*

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

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and

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2. The district has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

RECORD OF ACCESS
TO STUDENT
RECORDS

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. A district must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see HEALTH OR SAFETY EMERGENCY, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the district disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

20 U.S.C. 1232g(b)(4)(A)

The record shall not include requests for access by, or access granted to, parents of the student or officials of a district, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order. *34 C.F.R. 99.32(d)*

RIGHT TO AMEND
RECORDS

The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent be-

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believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

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

34 C.F.R. 99.20-.21

FEES FOR COPIES

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

RECORDS OF
STUDENTS WITH
DISABILITIES

A district shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a)*

ACCESS RIGHTS

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

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

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| LIST OF TYPES AND LOCATIONS OF INFORMATION | A district shall provide parents on request a list of types and locations of education records. <i>34 C.F.R. 300.616</i> |
| PARENTAL CONSENT | Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA. <i>34 C.F.R. 300.622</i> |
| CONFIDENTIALITY | A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. <i>34 C.F.R. 300.623</i> |
| DESTRUCTION OF INFORMATION | <p>A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.</p> <p>A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.</p> <p><i>34 C.F.R. 300.624</i></p> |
| ANNUAL NOTIFICATION OF RIGHTS | <p>A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.</p> <p>The notice must inform parents or eligible students that they have the right to:</p> <ol style="list-style-type: none">1. Inspect and review the student's education records;2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the ex- |

tent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and

4. File with the U.S. DOE a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the district has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

A district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

A district shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

SECTION III: DIRECTORY INFORMATION

DIRECTORY
INFORMATION
DEFINITION

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

1. Social security number; or
2. Student identification (ID) number, unless:
 - a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal iden-

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tification number (PIN), password, or other factor known or possessed only by the authorized user; or

- b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

DISCLOSURE OF
DIRECTORY
INFORMATION

A district may release directory information if it has given public notice of:

1. The types of personally identifiable information that it has designated as directory information.
2. The right of the parent to refuse to permit the district to designate any or all of that information about the student as directory information.
3. The period of time within which the parent must notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory information.

IN CLASS

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

FORMER
STUDENTS

A district may disclose directory information about former students without satisfying the public notice conditions above. However, the district must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

CONFIRMATION
OF IDENTITY OR
RECORDS

A district may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37

DESIGNATION OF
DIRECTORY
INFORMATION

A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as di-

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rectory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA]

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

ANNUAL NOTICE

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

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

CONTENTS OF
NOTICE

The notice must contain:

1. The following statement in boldface type that is 14-point or larger:

“Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child’s education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory information it chooses to designate as directory information for the district, such as a student’s name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]”;
2. A form, such as a check-off list or similar mechanism, that:
 - a. Immediately follows, on the same page or the next page, the required statement; and
 - b. Allows a parent to record:

- (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;
 - (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and
 - (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and
3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

STUDENT
RECRUITING
INFORMATION

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

CONSENT TO
RELEASE

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

20 U.S.C. 7908

SECTION IV: VIDEOTAPES AND RECORDINGS

VIDEOTAPES AND
RECORDINGS

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

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EXCEPTIONS

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

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

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

SECTION V: INFORMATION FROM LAW ENFORCEMENT

INFORMATION FROM
LAW ENFORCEMENT

ORAL NOTICE OF
ARREST OR
REFERRAL

Upon receipt of oral notice from the head of a law enforcement agency or designee that the law enforcement agency has arrested a student or referred a student to the juvenile board for a specified offense [see GRAA], a superintendent shall immediately notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

WRITTEN NOTICE
OF ARREST OR
REFERRAL

Upon subsequent receipt of confidential, written notice of the arrest or referral, a superintendent or designee shall send the information in the confidential notice to a district employee having direct supervisory responsibility over the student.

ORAL NOTICE OF
CONVICTION OR
ADJUDICATION

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, a superintendent shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

NOTICE OF
TRANSFER OR
REENROLLMENT

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the superintendent of the district to which the student transfers or returns shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

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

CONTENTS OF
NOTICE

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct;
or
3. Weapons possessed during the commission of the offense or conduct.

Code of Criminal Procedure 15.27(a)–(c), (k)

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

DUTY TO FLAG
RECORDS

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

REQUEST IN
PERSON

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

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

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requesting party's driver's license or other photographic identification.

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

REQUEST IN
WRITING

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REMOVAL OF FLAG

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

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

Code of Criminal Procedure 63.020-.022

