

Localized Policy Manual

Update 83

Coppell ISD

Localized Update 83 includes redeveloped policies regarding grievances and complaints of discrimination, harassment, and retaliation. The Update also includes numerous other issues, including new Family Medical Leave Act provisions providing for leave based on the military service of employees or family members and notice requirements for districts that annualize employee compensation. **See the memorandum from Legal and Policy Services regarding these topics, attached to the Vantage Points.**

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 83 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. Unless otherwise indicated, all bills referenced in the Explanatory Notes are from the 80th Legislative Session. 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 83 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 83 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this Update, please call your policy consultant/analyst, Amy Kadlecek, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 83 . . .

- Board action on Localized Update 83 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 83, affecting (LOCAL) policies (see attached list).” 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 83, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.
- An appropriate motion for board action on Localized Update 83 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 83 [with the following changes:]”
- The board’s action on Localized Update 83 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the **Policy Administrator’s Guide** at http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant/analyst of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. If the district uses *Policy On Line*, you will need to notify us of the board’s action on Update 83 so that your district’s Localized Policy Manual as it appears on TASB’s Web server can be updated. *Policy On Line* staff may be reached by phone (800-580-7529 or 512-467-0222), fax (512-467-3618, using the tan form enclosed), e-mail (pol-support@tasb.org), or Internet feedback form (<http://www.tasb.org/policy/pol/private/polfdbk.html>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 83 policy changes should be inspected and revised by you as needed.

PLEASE NOTE: This Localized Update packet and the Update 83 **Vantage Points** may not be considered as legal advice and are not intended as a substitute for the advice of the board’s own legal counsel.

Instruction Sheet

TASB Localized Policy Manual Update 83

District Coppell ISD

Code	Action To Be Taken	Note
BBB (LEGAL)	Replace policy	Revised policy
BBG (LEGAL)	Replace policy	Revised policy
CCF (LEGAL)	Replace policy	Revised policy
CCG (LEGAL)	Replace policy	Revised policy
CLB (LEGAL)	Replace policy	Revised policy
CMD (LEGAL)	Replace policy	Revised policy
COB (LEGAL)	Replace policy	Revised policy
CRG (LEGAL)	Replace policy	Revised policy
D (LEGAL)	Replace table of contents	Revised table of contents
DAA (LEGAL)	Replace policy	Revised policy
DAA (LOCAL)	Replace policy	Revised policy
DEA (LEGAL)	Replace policy	Revised policy
DEA (LOCAL)	Replace policy	Revised policy
DEC (LEGAL)	Replace policy	Revised policy
DEE (LEGAL)	Replace policy	Revised policy
DF (LEGAL)	Replace policy	Revised policy
DGBA (LOCAL)	Replace policy	Revised policy
DIA (LEGAL)	Replace policy	Revised policy
DIA (LOCAL)	Replace policy	Revised policy
DMA (LEGAL)	Replace policy	Revised policy
DPB (LEGAL)	Replace policy	Revised policy
EFAA (LEGAL)	Replace policy	Revised policy
EFB (LEGAL)	ADD policy	See explanatory note
EHAC (LEGAL)	Replace policy	Revised policy
EHAC (LOCAL)	DELETE policy	See explanatory note
EHBC (LEGAL)	Replace policy	Revised policy
EHBE (LEGAL)	Replace policy	Revised policy
EIC (LEGAL)	Replace policy	Revised policy
EIF (LEGAL)	Replace policy	Revised policy
F (LEGAL)	Replace table of contents	Revised table of contents
FB (LOCAL)	Replace policy	Revised policy
FFH (LOCAL)	Replace policy	Revised policy

Instruction Sheet
TASB Localized Policy Manual Update 83

FFI	(LOCAL)	ADD policy	See explanatory note
FL	(LOCAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FNC	(LOCAL)	Replace policy	Revised policy
FNCE	(LEGAL)	Replace policy	Revised policy
FNCG	(LEGAL)	Replace policy	Revised policy
FNG	(LOCAL)	Replace policy	Revised policy
FO	(LOCAL)	Replace policy	Revised policy
FOC	(EXHIBIT)	Replace exhibit	Revised exhibit
GBAA	(EXHIBIT)	Replace exhibit	Revised exhibit
GF	(LOCAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 83

District: Coppel ISD
BBB (LEGAL) BOARD MEMBERS
ELECTIONS

Beginning on page 2, clarifications have been made at ELECTION ORDER and ELECTION NOTICE to highlight the separate requirements for each.

Provisions prohibiting the expenditure of district funds for POLITICAL ADVERTISING and ELECTIONEERING have been repeated at this code to ensure they are considered when engaging in election-related activities. These provisions are also found at CCA(LEGAL).

Two expired provisions have been deleted from this code. One provision exempted trustee elections from the requirements listed at VOTERS WITH DISABILITIES, while the other authorized the school district to adopt a resolution changing the length of trustee terms. If your district adopted a resolution to change its trustee terms, please contact your policy consultant/analyst so that we may update your BBB(LOCAL) policy accordingly.

BBG (LEGAL) BOARD MEMBERS
COMPENSATION AND EXPENSES

Several areas of responsibility previously assigned to the Texas Building and Procurement Commission were moved to the comptroller during the 80th Legislative Session. Changes at this code reflect the comptroller's new responsibility of negotiating the contract for TRAVEL SERVICES in which board members may participate.

CCF (LEGAL) LOCAL REVENUE SOURCES
LOANS AND NOTES

Included at this code is an existing statutory provision expanding which school districts may issue, sell, and deliver certain SHORT-TERM OBLIGATIONS AND CREDIT AGREEMENTS.

CCG (LEGAL) LOCAL REVENUE SOURCES
AD VALOREM TAXES

As authorized by a constitutional amendment approved by voters in May 2007, HB 5 changes the calculation used to determine the limitation on tax increases for persons 65 and over or disabled persons. (See OTHER LIMITATIONS on page 8.) This bill provides tax relief to these persons by reducing the amounts they are obligated to pay in proportion to the recent school tax rate reductions implemented by the 79th Legislature, 3rd called session.

CLB (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

HB 2458, effective September 1, 2007, abolished the Structural Pest Control Board and transferred those responsibilities to the Texas Department of Agriculture. References in this code to the Structural Pest Control Board have been changed accordingly.

Explanatory Notes

TASB Localized Policy Manual Update 83

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

The scope of this policy has been broadened to include TEXTBOOK FUNDING provisions, previously located at EFAA(LEGAL). A provision on certification of textbooks and a provision on the distribution of instructional materials to special education students have been moved to EFAA, which now includes all material on selection and adoption of textbooks.

COB (LEGAL) FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

Administration of the summer lunch program was moved from the Texas Health and Human Services Commission to the Texas Department of Agriculture (TDA) by HB 4062, effective June 15, 2007. A school district seeking a waiver from the requirement to provide a summer lunch program must now work with TDA and TEA.

CRG (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

General authorization for school districts to enter into deferred compensation agreements and salary reduction agreements for plans governed by Sections 457 and 403(b) of the Internal Revenue Code have been added to this policy.

See the explanatory notes at DEA(LEGAL) and DEA(LOCAL) for more information on deferred compensation.

D (LEGAL) PERSONNEL

The D section table of contents has been revised to reflect the new subtitle of DIA: Freedom from Discrimination, Harassment, and Retaliation.

DAA (LEGAL) EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

Prompted by our focus in this update on harassment and discrimination issues, we have added definitions of the two types of discrimination. DISPARATE TREATMENT occurs when a district's practices are overtly discriminatory. DISPARATE IMPACT occurs when a district's practices are neutral on their face but have a discriminatory effect.

We have also added to this policy a statement from the U.S. Supreme Court case *Price Waterhouse v. Hopkins* prohibiting an employer from evaluating employees on the basis of GENDER STEREOTYPES. (See page 3.) Such conduct is considered illegal sex discrimination.

See the explanatory notes at DIA(LOCAL) and FFH(LOCAL) for more information on discrimination, harassment, and retaliation involving district employees and students.

Explanatory Notes

TASB Localized Policy Manual Update 83

DAA (LOCAL) EMPLOYMENT OBJECTIVES EQUAL EMPLOYMENT OPPORTUNITY

The contact information for the Title IX and ADA/Section 504 coordinators has been moved to DIA(LOCAL) so that persons with complaints about discrimination, harassment, or retaliation can more easily identify to whom they should make a report.

We have retained, unaltered, the district's locally developed provisions as required by the district's agreement with the Office for Civil Rights.

DEA (LEGAL) COMPENSATION AND BENEFITS SALARIES AND WAGES

New IRS rules are reflected at ANNUALIZED COMPENSATION on page 6. The IRS rules address tax consequences for employees who receive deferred compensation that is not part of a qualified plan, including any arrangement that provides for the payment of compensation in a year later than the year in which the compensation was earned. Therefore, the new rules affect school district employees who work less than 12 months but are paid on an annualized basis.

To avoid the assessment of tax penalties against district employees, a district that annualizes compensation must make a formal election to pay employees on an annualized basis and provide employees with a clear notice of the payment arrangements before the school year begins. To ensure that all employees receive timely and appropriate notice, we have added an annualized salary provision at DEA(LOCAL), included in this update. See the explanatory note below.

DEA (LOCAL) COMPENSATION AND BENEFITS SALARIES AND WAGES

As indicated at DEA(LEGAL), new IRS rules require districts that annualize compensation for employees who work less than 12 months a year to make a formal election to pay employees on an annualized basis and provide employees with a clear notice of the payment arrangements before the employee begins work for this school year. Failure to make the election and provide notice to employees by this deadline may result in a substantial tax liability to the employee. Therefore, it is critical that the district adopt this policy or otherwise make the election and provide notice to employees before they report to work for the 2008-09 school year. The provision added at this code requires the district to pay all salaried employees over 12 months, regardless of the number of months the employee works. (See ANNUALIZED SALARY REQUIRED.)

Also added to this policy is a provision on EARLY SEPARATION explaining how payment will be made to a salaried employee who separates from employment before the end of the 12-month payment period. If the employee separates from service before the last day of instruction, the district must pay the employee a lump sum for all money due in the employee's final paycheck. If a salaried employee separates from employment on or after the last day of instruction, the district must continue the regularly scheduled 12-month payments during the summer unless the employee is retiring under the Texas Teacher Retirement System (TRS). Retiring employees will be paid out in a lump sum with an appropriate deduction for insurance premiums if the employee is eligible and elects to continue insurance coverage during the summer. This exception has been included in the policy since salary payments to the employee may affect when the employee is eligible to begin receiving TRS pension checks.

If your district would prefer to pay employees a lump sum regardless of when the employee separates from service, contact your policy consultant/analyst for alternative text.

Explanatory Notes

TASB Localized Policy Manual Update 83

We have retained, unchanged, the district's locally developed provision allowing COMPENSATORY TIME to accrue to a maximum of 40 hours.

DEC (LEGAL) COMPENSATION AND BENEFITS LEAVES AND ABSENCES

The National Defense Authorization Act of 2008 amended the Family and Medical Leave Act (FMLA) to:

- Permit an employee to take up to 12 weeks of FMLA leave because of a "qualifying exigency" caused by a spouse, child, or parent's active military duty or deployment. The term "qualifying exigency" has not yet been defined by federal regulation, but is generally understood to include urgent situations caused by deployment, discharge, or leave from active service. (See FAMILY, MEDICAL, OR MILITARY EXIGENCY LEAVE beginning on page 4.)
- Establish SERVICEMEMBER FAMILY LEAVE, which would allow an employee to take leave to care for a servicemember who has incurred a serious injury or illness in the line of duty. This new type of leave may be taken if the injured servicemember is the employee's spouse, child, parent, or next of kin and may be taken only one time for up to 26 weeks.

Under both types of leave, an employee may take leave on an intermittent basis. As with other leave under the FMLA, a school district may limit leave if the district employs both spouses and may require the employee to provide appropriate certification. Corresponding changes to local policies have not been included in this update so that we may incorporate provisions when the currently pending regulations have been finalized and adopted.

At STATE LEAVE FOR MEMBER OF MILITARY OR RESCUE TEAM, on page 15, members of state or federally authorized urban search and rescue teams are now eligible for fifteen days of paid leave if absent from employment for authorized training or active duty. This change is from the 80th Legislative Session, SB 11, effective September 1, 2007.

DEE (LEGAL) COMPENSATION AND BENEFITS EXPENSE REIMBURSEMENT

The provisions at this code have been revised to reflect the comptroller's new responsibility of negotiating the contract for TRAVEL SERVICES in which district employees may participate.

DF (LEGAL) TERMINATION OF EMPLOYMENT

In accordance with new Texas Administrative Code provisions, the superintendent must notify SBEC if he or she obtains or has knowledge of information indicating that a certificate holder solicited or engaged in sexual conduct or a romantic relationship with a student or minor or if the certificate holder was terminated for this reason. The Administrative Code contains an extensive definition of "solicitation of a romantic relationship," included in this policy beginning on page 4.

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS EMPLOYEE COMPLAINTS/GRIEVANCES

This policy has been extensively revised as follows:

- The list of COMPLAINTS to which the policy may apply has been deleted in favor of a clear statement that the policy applies to all complaints except those specifically exempted from the policy.

Explanatory Notes

TASB Localized Policy Manual Update 83

- Cross-references to other grievance procedures have been updated to reflect coding changes prompted by redevelopment of the manual's discrimination, harassment, and retaliation policies.
- The district's RESPONSE to a Level One or Level Two hearing is timely if it is postmarked by U.S. Mail on or before the response deadline. Previously, a response was considered timely if it was postmarked by the deadline and received by the employee within three days of the response deadline, which led to disputes about when the employee received the response.
- At REPRESENTATIVE, it is now clearly stated that the district may be represented by counsel at any level of the process.
- Provisions regarding submission of documents by the employee and administration have been clarified. The provision prohibiting employees from submitting additional documents after the Level One conference remains unchanged. Administrators, however, may investigate the complaint as appropriate and consider any relevant documents or information that will help resolve the complaint, even if those documents were not submitted by the complainant for the Level One conference. The employee may access any documents the administrator considers by requesting a copy of the record, and the employee may respond to the documents or information at the next appeal level. If the administration intends to rely on new evidence at the Level Three hearing, the administration must provide notice of the nature of that evidence to the employee in advance of the hearing. These provisions allow the administration flexibility in gathering information in order to resolve the complaint.
- Appeal of the Level One grievance must be filed within ten days of the date of the written response. If no response is issued, the employee has ten days from the response deadline to file an appeal. Appeals of Level Two grievances follow the same deadlines.
- Upon the filing of a LEVEL TWO appeal, the Level One administrator must forward the record to the next level. The list of documents to include in the record is provided. The employee may request a copy of the record; this ensures that the employee has access to any documents relied upon by the administrator in making the decision. An identical procedure applies when an employee appeals a Level Two decision.
- Details have been added regarding the presentation of the complaint before the board at LEVEL THREE.

Similar changes have been made to FNG(LOCAL), addressing student and parent complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies below.

The district's locally developed provision requiring the LEVEL TWO conference to be audiotaped has been retained, unchanged.

DIA (LEGAL) EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND
RETALIATION

We have added to the **Note** at the beginning of this policy a reference to DAA(LEGAL) for information on discrimination and retaliation.

Explanatory Notes

TASB Localized Policy Manual Update 83

DIA (LOCAL) EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND
RETALIATION

Prompted by suggestions from the Office for Civil Rights, we have redeveloped and broadened the scope of this policy to address discrimination, harassment, and retaliation involving employees. Relevant provisions from other codes have been incorporated here to provide a single policy to consult when an allegation is made that an employee has experienced prohibited conduct.

Significant changes are noted below:

- The term “employees” to whom the policy applies now includes former employees and applicants for employment, giving these individuals the right to make a report and have their complaints investigated. (See the **Note** on page 1.)
- A general STATEMENT OF NONDISCRIMINATION prohibits discrimination, harassment, and retaliation. Definitions for this conduct have been added and/or revised so that employees can easily identify such conduct.
- Based on the *Price Waterhouse* case added at DAA(LLEGAL), which found that evaluation of employees on the basis of gender stereotypes constitutes illegal sex discrimination, we have added gender identity to the list of EXAMPLES under HARASSMENT.
- To ensure that all allegations of PROHIBITED CONDUCT (defined by the policy to include discrimination, harassment, and retaliation) are addressed, the policy requires employees to follow prescribed reporting procedures and the district to follow prescribed investigation procedures, even if the alleged conduct does not rise to the level of unlawful conduct.
- REPORTING PROCEDURES have been clarified: An employee may make a report to his or her supervisor, campus principal, or one of the district officials listed in the policy, which includes the Title IX coordinator, ADA/Section 504 coordinator, and superintendent. Contact information for these individuals is included in the policy. If this information is no longer accurate, please contact your policy consultant/analyst.
- Moved from DAA is a provision on RECORDS RETENTION specifying that copies of reports, investigation reports, and related records must be kept for at least three years.

Similar changes have been made at FFH(LOCAL). See the explanatory note below.

At STATEMENT OF NONDISCRIMINATION and COUNSELING, we have retained your locally developed provisions as required by the district’s agreement with the Office for Civil Rights.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

Effective with the 2008–09 school year, SB 82 requires each coach, trainer, extracurricular sponsor, band director, and team physician to complete an EXTRACURRICULAR ACTIVITY SAFETY TRAINING program. The superintendent must maintain records of compliance with this new training requirement. The UIL may impose sanctions against a campus that is out of compliance.

For students participating in extracurricular activities, see the explanatory note at FM(LEGAL) for safety training requirements.

Explanatory Notes

TASB Localized Policy Manual Update 83

DPB (LEGAL) PERSONNEL POSITIONS SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

A provision from SB 9 has been added to this policy requiring a school district to conduct a CRIMINAL HISTORY REVIEW of substitute teachers through the Department of Public Safety's criminal history clearinghouse. Criminal history information on currently employed substitutes must be reviewed by TEA by September 1, 2011. TEA has already begun contacting some districts to obtain required information.

EFAA (LEGAL) INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION TEXTBOOK SELECTION AND ADOPTION

We have deleted textbook funding provisions from this code, since they are included at CMD(LLEGAL). This code now focuses on selection and adoption of textbooks.

In addition, changes to the textbook selection process from HB 188, effective June 16, 2007, are now reflected in this policy:

- The State Board of Education may adopt a SUPPLEMENTAL TEXTBOOK LIST, which may include textbooks that are not on the conforming or nonconforming lists.
- If a district purchases a supplemental textbook for a course in the foundation curriculum, the district must certify to TEA that the supplemental textbook, in combination with any other textbooks or supplemental textbooks, covers each of the TEKS for the course. (See FOUNDATION TEXTBOOKS.)

EFB (LEGAL) INSTRUCTIONAL RESOURCES LIBRARY MEDIA PROGRAMS

We are sending for inclusion in the district's manual this legally referenced material containing existing statutory provisions on joint library facilities.

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

New PHYSICAL ACTIVITY REQUIREMENTS for middle school students have been included in this legally referenced material. These requirements, from SB 530, effective for the 2008–09 school year, require students in grades six through eight to participate in physical activity for 30 minutes per day or, if the district uses block scheduling, for a total of 225 minutes in a two-week period. School districts must provide certain exemptions. In addition, the commissioner may adopt rules permitting exemptions for students who participate in school-related activities or activities sponsored by private leagues or clubs. Text from the Texas Administrative Code requiring a school district to adopt a policy on physical activity exemptions for middle school students has been deleted. The SBOE, which authorized these deleted Administrative Code provisions, no longer has the authority to promulgate rules on this issue.

Also effective for the 2008–09 school year is a requirement for a school district to include in its high school health curriculum the parenting and paternity awareness program developed by the SBOE. This provision comes from HB 2176 and is included at item 7 under GRADES 9–12 COURSE OFFERINGS on page 2.

Explanatory Notes

TASB Localized Policy Manual Update 83

EHAC (LOCAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

As stated above, the Texas Administrative Code provision requiring a school district to adopt a local policy on middle school physical activity exemptions has been deleted from the law. If the commissioner adopts rules allowing school districts to implement physical activity exemptions for middle school students who participate in school-related activities or activities sponsored by private leagues or clubs, those exemptions will not need to be included in the policy manual.

EHBC (LEGAL) SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

School districts must now provide an ACCELERATED READING INSTRUCTION PROGRAM, as appropriate, to students who are given the seventh grade reading assessment. This provision, from HB 2237, can be found on page 6.

EHBE (LEGAL) SPECIAL PROGRAMS
BILINGUAL EDUCATION/ESL

SB 1871 adds detailed PEIMS REPORTING REQUIREMENTS for bilingual education and special language programs effective with the 2008–09 school year.

EIC (LEGAL) ACADEMIC ACHIEVEMENT
CLASS RANKING

Provisions on AUTOMATIC ADMISSION TO INSTITUTION OF HIGHER EDUCATION have been modified by HB 3826, effective with admissions for the 2008–09 academic year. In addition to existing criteria, for a student to obtain automatic admission, the student must now complete the Recommended or Advanced/Distinguished Achievement High School Program, unless the required courses are not available to the student, or must achieve certain scores on the ACT or SAT assessment instruments.

As reflected at CLASS RANK, CERTAIN PROGRAMS, on page 2, a school board may treat certain magnet, academy, or other special programs as a separate high school for class rank purposes. The detailed specifications of this provision limit its application to only a few districts.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

New Texas Administrative Code provisions, effective November 11, 2007, regarding GRADUATION OF SPECIAL EDUCATION STUDENTS, are reflected in this legally referenced material beginning on page 4. Special education students may be awarded a regular high school diploma under one of three options: by completing the state's or district's curriculum and credit requirements, by completing specific requirements consistent with the student's IEP, or by completing IEP requirements and exceeding the age limit to be eligible for services.

Explanatory Notes

TASB Localized Policy Manual Update 83

F (LEGAL) STUDENTS

We have changed the subtitle of FFH from Freedom from Harassment to Freedom from Discrimination, Harassment, and Retaliation to accommodate the expanded scope of that code and have added a new code addressing bullying at FFI (Freedom from Bullying). The F section table of contents has been updated accordingly.

FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

To comply with the recommendation from the Office for Civil Rights to create a single policy code to address COMPLAINTS of discrimination, harassment, and retaliation, students are now directed to FFH(LOCAL) to report any allegations. See the explanatory note for that policy below.

We have retained, unchanged, your locally developed text in the first two paragraphs, as required by the district's agreement with the Office for Civil Rights.

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

We have redeveloped and broadened the scope of this policy to address discrimination, harassment, and retaliation involving students. Relevant provisions from other codes have been incorporated here to provide a single policy to consult when an allegation is made that a student has experienced prohibited conduct (defined for the purposes of this policy to include discrimination, harassment, dating violence, and retaliation).

Significant changes are noted below:

- A general STATEMENT OF NONDISCRIMINATION prohibits discrimination, harassment, retaliation, and dating violence. Definitions for this conduct have been added and/or revised so that students and others are able to identify such conduct.
- To ensure that all allegations of PROHIBITED CONDUCT are addressed, the policy requires individuals to follow prescribed reporting procedures and the district to follow prescribed investigation procedures, even if the alleged conduct does not rise to the level of unlawful conduct. (See page 3.)
- REPORTING PROCEDURES have been clarified: A student may make a report to a teacher, counselor, principal, other district employee, or one of the district officials listed in the policy, which includes the Title IX coordinator, Section 504 coordinator, and superintendent. Contact information for these coordinators is included in the policy. If this information is no longer accurate, please contact your policy consultant/analyst.

Similar changes have been made at DIA(LOCAL). See the explanatory note for that policy above.

At STATEMENT OF NONDISCRIMINATION and COUNSELING, your locally developed provisions have been retained, as required by the Office for Civil Rights.

FFI (LOCAL) STUDENT WELFARE FREEDOM FROM BULLYING

Prompted by our focus in this update on discrimination and harassment issues, we have created a new policy addressing bullying to ensure that such conduct is addressed in a timely and appropriate manner.

Explanatory Notes

TASB Localized Policy Manual Update 83

Sometimes bullying is based on a protected characteristic of the victim, which includes race, color, religion, gender, national origin, or disability. If so, the behavior may constitute discrimination or harassment as defined by FFH(LOCAL), and the district should address the conduct using the procedures at that policy.

The district also needs to address bullying that is not based on a protected characteristic, such as when a student is bullied because of his or her weight. To help ensure a consistent response in these situations, FFI(LOCAL) outlines the procedures a student or parent should follow to report bullying and the process that the district should use to resolve a complaint of bullying. The resolution process involves an investigation and the preparation of a written report that includes a determination of whether bullying occurred. Bullying is defined to include conduct that results in harm to a student or the student's property, places a student in fear of harm, or is so severe that it creates an intimidating, threatening, or abusive educational environment. If at any point in the investigation it is determined that bullying was based on a protected characteristic, the school administrator must immediately proceed in accordance with FFH(LOCAL).

Please remember that victims of bullying are entitled to transfers in accordance with FDB.

FL (LOCAL) STUDENT RECORDS

Based on material published by the Family Policy Compliance Office, the federal office that administers FERPA, we have added a provision at ACCESS BY SCHOOL OFFICIALS to allow a school district to share student education records with parents or students who serve on a district committee. This situation may occur when a parent serves on the language proficiency assessment committee for a student who is not the parent's child.

FM (LEGAL) STUDENT ACTIVITIES

SB 82, effective with the 2008–09 school year, adds several safety-related provisions to this policy:

- Students participating in ATHLETIC ACTIVITIES and their parents must complete UIL FORMS providing medical history and acknowledging UIL rules.
- School districts must post NOTICES with contact information for complaints about student athletic activities and provide to students and parents copies of certain Education Code provisions and the UIL parent information manual.
- Students participating in extracurricular athletic activities must complete extracurricular SAFETY TRAINING similar to the training that staff must complete, as described in the explanatory note for DMA(LEGAL) above. The same sanction provisions and recordkeeping requirements apply.
- Coaches, trainers, and sponsors of extracurricular activities may not permit or encourage unreasonably dangerous athletic techniques and must take certain SAFETY PRECAUTIONS, as reflected on page 2.

FNC (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT CONDUCT

The list of student BEHAVIORAL STANDARDS addressed in other codes now includes a reference to the new policy on bullying. See the explanatory note at FFI(LOCAL) above.

Explanatory Notes

TASB Localized Policy Manual Update 83

FNCE (LEGAL) STUDENT CONDUCT TELECOMMUNICATIONS DEVICES

In preparation for emergency situations, the legislature amended the DEFINITION of a paging device to exclude an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission. Districts that choose to prohibit possession of paging devices on school property or at school events as stated in the Student Code of Conduct may no longer include these amateur radios in their restrictions.

FNCG (LEGAL) STUDENT CONDUCT WEAPONS

Deleted from this policy are provisions from the Penal Code related to the possession of weapons on district property. These provisions are already included in the manual at GKA(LEGAL). Retained at this policy and revised for clarity is the Education Code provision that requires expulsion for students who possess, use, or exhibit weapons on school property or while attending a school activity on or off school property.

FNG (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES

As with DGBA(LOCAL), above, this code has been extensively revised as follows:

- Application of the policy has been clarified by the addition of a clear statement that the policy applies to all complaints except those specifically exempted from the policy.
- Cross-references to other grievance procedures have been updated to reflect coding changes prompted by redevelopment of the manual's bullying, discrimination, harassment, and retaliation policies.
- The district's RESPONSE to a Level One or Level Two hearing is timely if it is postmarked by U.S. Mail on or before the response deadline. Previously, a response was considered timely if it was postmarked by the deadline and received by the student or parent within three days of the response deadline, which led to disputes about when the response was received.
- At REPRESENTATIVE, the policy clearly states that the district may be represented by counsel at any level of the process.
- Provisions regarding submission of documents by students, parents, and the administration have been clarified. The provision prohibiting students and parents from submitting additional documents after the Level One conference remains unchanged. Administrators, however, may investigate the complaint as appropriate and consider any relevant documents or information that will help resolve the complaint, even if those documents were not submitted by the complainant for the Level One conference. The parent or student may access any documents the administrator considers by requesting a copy of the record and may respond to the documents or information at the next appeal level. If the administration intends to rely on new evidence at the Level Three hearing, the administration must provide notice of the nature of that evidence to the student or parent in advance of the hearing. These provisions allow the administration flexibility in gathering information in order to resolve the complaint.

Explanatory Notes

TASB Localized Policy Manual Update 83

- Appeal of the Level One grievance must be filed within ten days of the date of the written response and is no longer dependent on the date the student or parent receives the response. If no response is issued, the complainant has ten days from the response deadline to file an appeal. Appeals of Level Two grievances follow the same deadlines.
- Upon the filing of a LEVEL TWO appeal, the Level One administrator must forward the record to the next level. The list of documents to include in the record is provided in the policy. The student or parent may request a copy of the record; this ensures that students and parents have access to any documents relied upon by the administrator in making the decision. An identical procedure applies when there is an appeal of a Level Two decision.
- Details have been added regarding the presentation of the complaint before the board at LEVEL THREE.

Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for these policies.

We have retained, unaltered, the district's locally developed provision requiring the LEVEL TWO conference to be audiotaped.

FO (LOCAL) STUDENT DISCIPLINE

At this update, a provision has been added to reflect the district's option of distributing the STUDENT CODE OF CONDUCT electronically through the district's Web site instead of or in addition to distributing hard copies. This policy has also been revised throughout for clarity.

FOC (EXHIBIT) STUDENT DISCIPLINE PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

This exhibit has been revised to include in the list of Title 5 felony offenses the new offense of "continuous sexual abuse of young child or children" added by HB 8. This offense makes it a felony for an actor to commit two or more acts of sexual abuse against a person younger than 14 years of age over a period of 30 days or more.

Added to the definition of assault is text from HB 495 making it a felony to assault a person the actor knows is an emergency services worker while the person is providing emergency services. These new provisions apply to offenses committed in their entirety on or after September 1, 2007. Detailed provisions on the offense of Harassment by Persons in Certain Correctional Facilities or of Public Servant have been deleted from the exhibit.

GBAA (EXHIBIT) INFORMATION ACCESS REQUESTS FOR INFORMATION

Under amended Texas Administrative Code provisions, school districts are no longer allowed to include the cost of fringe benefits in personnel charges associated with fulfilling a public information request. (See item 2 under Personnel charges.)

As reflected on page 4, if a school district accepts credit card payments for copies of public information and the credit card company charges a transaction fee, the school district may now recover the transaction fee associated with the credit card payment.

Explanatory Notes

TASB Localized Policy Manual Update 83

GF (LOCAL) PUBLIC COMPLAINTS

As with the other complaint policies discussed above, this code has been extensively revised as follows:

- The district's RESPONSE to a Level One or Level Two hearing is timely if it is postmarked by U.S. Mail on or before the response deadline. Previously, a response was considered timely if it was postmarked by the deadline and received by the individual within three days of the response deadline, which led to disputes about when the response was received.
- At REPRESENTATIVE, the district may be represented by counsel at any level of the process.
- Throughout the policy, provisions regarding submission of documents by the individual and administration have been clarified. The provision prohibiting the individual from submitting additional documents after the Level One conference remains unchanged. Administrators, however, may investigate the complaint as appropriate and consider any relevant documents or information that will help resolve the complaint, even if those documents were not submitted by the complainant for the Level One conference. The complainant may access any documents the administrator considers by requesting a copy of the record and may respond to the documents or information at the next appeal level. If the administration intends to rely on new evidence at the Level Three hearing, the administration must provide notice of the nature of that evidence to the individual in advance of the hearing. These provisions allow the administration flexibility in gathering information in order to resolve the complaint.
- Appeal of the Level One grievance must be filed within ten days of the date of the written response and is no longer dependent on the date the individual receives the response. If no response is issued, the individual has ten days from the response deadline to file an appeal. Appeals of Level Two grievances follow the same deadlines.
- Upon the filing of a LEVEL TWO appeal, the Level One administrator must forward the record to the next level, including any recording of the conference. The list of documents to include in the record is provided in the policy. The individual may request a copy of the record; this ensures that individuals have access to any documents relied upon by the administrator in making the decision. An identical procedure applies when there is an appeal of a Level Two decision.
- Details have been added regarding the presentation of the complaint before the board at LEVEL THREE.

Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and FNG(LOCAL), addressing parent and student complaints. See the explanatory notes for those policies above.

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

NUMBER AND TERM	The Board consists of seven Trustees serving terms of three years, with elections held annually. The terms of one-third of the Trustees, or as near to one-third as possible, expire each year. <i>Education Code 11.051(b), 11.059</i>
TERMS	Board policy shall state the schedule on which specific terms expire. <i>Education Code 11.059</i> [See BBB(LOCAL)]
METHOD OF ELECTION POSITION OR PLACE	Election of Trustees is by position or place in accordance with Texas law. The decision to elect Trustees by this method shall not be rescinded. <i>Education Code 11.058</i>
NOTICE TO VOTER REGISTRAR	A district that changes its boundaries or the boundaries of districts used to elect members to the board shall not later than the 30th day after the date the change is adopted: <ol style="list-style-type: none">1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.
FILING INFORMATION	A declaration of write-in candidacy must be filed no later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 67th day before election day. An application of a candidate for a place on the ballot must be filed not later than 5:00 p.m. of the 62nd day before the day of the election, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 70th day before election day. An application may not be filed earlier than the 30th day before the date of the filing deadline. The application shall include all statutorily required information, including a statement that the candidate is aware of the nepotism law. <i>Education Code 11.055(a), (c), 11.056(b), (e); Election Code 31.0021, 141.031, 144.005</i>
LOYALTY OATH	Before a candidate can have his or her name placed on the ballot, the candidate must execute and have notarized the loyalty oath. <i>Election Code 141.031; <u>The Socialist Workers Party v. Martin</u>, 345 F.Supp. 1132 (S.D. Tex. 1972), aff'd 483 F.2d 554 (5th Cir. 1973)</i>
NEPOTISM	A candidate shall not take affirmative action to influence a District employee or current Trustee regarding the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of a person related to the can-

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

didate within a prohibited degree of relationship under the nepotism law. [See DBE(EXHIBIT)] However, this prohibition does not apply to a candidate's actions taken with respect to a bona fide class or category of employees or prospective employees. *Gov't Code 573.042*

GENERAL ELECTION
DATE

Election of Trustees of the District shall be on the May uniform election date. *Election Code 41.001*

JOINT ELECTIONS
REQUIRED

A District Trustee election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the District; or
2. The general election for state and county officers.

Elections held on the same date as the election for the members of the governing body of a municipality located in the District or the same date as the general election for state and county officers shall be held as a joint election under Election Code Chapter 271.

The voters of a joint election under this section shall be served by common polling places consistent with Election Code 271.003(b).

The Board shall adjust the terms of office of its members to conform to the new election date if the election date is changed to comply with Education Code 11.0581.

Education Code 11.0581

JOINT ELECTIONS
ADMINISTRATOR

The District may seek to create the position of joint elections administrator under Election Code Chapter 31, Subchapter F. *Election Code 31.152*

ELECTION ORDER

A call for an election shall be made not later than the 62nd day before election day, except that for an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day. *Election Code 3.005*

Each election order must state the date of the election, the offices or measures to be voted on, the location of the main early voting polling place, the dates and hours for early voting, the dates and hours of any Saturday and Sunday early voting, and the early voting clerk's official mailing address. The Board shall retain the election order for at least 22 months after election day. *Election Code 3.006, 3.008, 66.058(a), 83.010, 85.004, 85.007*

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

ELECTION NOTICE

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within a district's boundaries or in a newspaper of general circulation in a district if none is published within the district's boundaries. *Election Code 4.003(a)(1)*

The notice shall state the nature and date of the election, the location of each polling place, the hours the polls will be open, the location of the main early voting polling place, the dates and hours for early voting, the dates and hours of any Saturday and Sunday early voting, and the early voting clerk's official mailing address. The Board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication and shall preserve that copy for at least 22 months after election day. *Election Code 4.004, 4.005, 66.058(a), 83.010, 85.004, 85.007*

The Board shall also deliver notice of the election to the county clerk of each county in which a district is located not later than the 60th day before election day. *Election Code 4.008*

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

POSTING

In addition to the notice described above, the District shall, not later than the 21st day before election day, post a copy of the notice on the bulletin board used for posting notices of the meetings of the Board. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made. *Election Code 4.003(b), 4.005*

POLITICAL
ADVERTISING

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

ELECTIONEERING

The Board may not use state or local funds or other resources of the District to electioneer for or against any candidate, measure, or political party. *Education Code 11.169*

BALLOT, ELECTION
OFFICIALS, AND
POLLING PLACES

The ballot shall be printed in the form required by law. The Board shall appoint election judges, set the maximum number of election clerks, and designate polling places. Each polling place shall be accessible to and usable by the elderly and physically handicapped. *Election Code 32.005(a), 32.033(a), 43.004, 43.034, 52.061-.064, 52.069, 52.093-.094; Education Code 11.058(g)*

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

If a district holds an election on the November uniform election date, the district shall follow procedures from the secretary of state and designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), 42.0621, 43.004(b)*

POSTING SIGNS AT
POLLING PLACES
PROHIBITED

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located. *Election Code 62.013(b)*

USE OF CERTAIN
DEVICES AT POLLING
PLACES PROHIBITED

A person may not use a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of a voting station.

EXCEPTION

The prohibition does not apply to:

1. An election officer in conducting the officer's official duties; or
2. The use of election equipment necessary for the conduct of the election.

Election Code 61.013

NOTICE OF VOTING
RIGHTS HOTLINE

A notice of voter's rights, in the form prescribed by the secretary of state and including information required by the secretary of state, shall be publicized as provided by the secretary of state. The notice shall, in part, inform voters of the telephone number and purpose of the secretary of state's toll-free hotline for reporting existing or potential abuse of voting rights. *Election Code 31.0055, 62.0115*

BILINGUAL
MATERIALS

The District shall provide bilingual election materials, as specified by law, when the director of the federal census determines that:

1. More than five percent of the citizens of voting age of the District are members of a single language minority and are limited-English proficient, or more than 10,000 of the citizens of voting age of the District are members of a single-language minority and are limited-English proficient; and
2. The illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate, illiteracy defined as the failure to complete the fifth primary grade.

The term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process.

The term “language minorities” or “language minority group” means people who are American Indian, Asian American, Alaskan natives, or of Spanish heritage.

42 U.S.C. 1973aa-1a

Except as provided by Election Code 272.003, bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

An election precinct may be exempt from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct’s inhabitants.

Election Code 272.002, 272.003

VOTING MACHINES
AND PUNCH-CARD
BALLOTS

Effective January 1, 2006, a voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. *Election Code 122.001(d)*

VOTERS WITH
DISABILITIES

Each polling place in an election must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 61.012(a)*

Upon providing the notice detailed in Election Code 61.013(d), the District is not required to meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments if the District’s election is not held jointly with another election in which a federal office appears on the ballot and if the District is located in a county:

1. With a population of less than 2,000;
2. With a population of 2,000 or more but less than 5,000, and the district provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day;

3. With a population of 5,000 or more but less than 10,000, and the District provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day and during the period for early voting by personal appearance;
4. With a population of 10,000 or more but less than 20,000, and the District:
 - a. Makes a showing in the manner provided by Election Code 61.103(c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the county;
 - b. Provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day and during the period for early voting by personal appearance; and
 - c. Provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance.

For purposes of the above requirement, a district located in more than one county may choose:

- a. To be considered located in the county that contains the greatest number of registered voters of the District; or
- b. For each portion of the District located in a different county, to be considered a separate political subdivision.

Election Code 61.013

The District may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. *1 TAC 81.55 [See GA]*

WRITE-IN VOTING

A write-in vote may not be counted for a person who has not filed a declaration of write-in candidacy with the Secretary of the Board in the manner provided for write-in candidates in a general election for state and county officers. To the extent practicable and in accordance with rules adopted by the secretary of state, Election Code Chapter 146, Subchapter B, shall govern write-in voting in Trustee elections. *Education Code 11.056*

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

ELECTION OF
UNOPPOSED
CANDIDATE

A board may declare each unopposed candidate elected to the office if:

1. Each candidate for an office that is to appear on the ballot is unopposed, and
2. No proposition is to appear on the ballot.

In the case of an election in which any members of a board are elected from single-member districts, the unopposed candidate procedures can apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that district is unopposed and the other requirements described above are met.

Election Code 2.051

The Board may declare each unopposed candidate elected to the office upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that if the election were held, only the votes cast for that candidate in the election for that office may be counted. If the Board makes such a declaration, the election is not held. A copy of the order or ordinance must be posted on election day at each polling place that would have been used in the election. *Election Code 2.052, 2.053(a), (b)*

EARLY VOTING

The Board shall provide for early voting in Board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

CANVASS RETURNS

Except as provided below, the Board shall canvass the returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after election day.

For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Two members of the Board constitute a quorum for purposes of canvassing an election.

Election Code 67.003, 67.004

CERTIFICATE OF
ELECTION

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

The presiding officer of the canvass shall also prepare a report of the precinct results as contained in the election register and shall deliver the report to the secretary of state as required by law.

Election Code 67.016, 67.017, 212.0331

CERTIFICATE OF
ELECTION FOR
UNOPPOSED
CANDIDATE

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(c)*

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

PLURALITY	To be elected to a public office, a candidate must receive a plurality of votes, more votes than any other candidate, except as otherwise provided by law. <i>Election Code 2.001</i>
DETERMINATION OF RESULTS	The candidate receiving the highest number of votes for each respective position voted on is entitled to serve as Trustee. <i>Education Code 11.057(a)</i>
MAJORITY VOTE OPTION	<p>The board of an independent school district in which the positions of Trustees are designated by number may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position to be elected.</p> <p>The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.</p> <p><i>Education Code 11.057(c)</i></p>
RUNOFF ELECTION	If no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required. <i>Election Code 2.021 et seq.</i>
TIE VOTES SECOND ELECTION	If two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held, unless the candidates agree to cast lots, one candidate withdraws, or an automatic recount resolves the tie. Not later than the fifth day after the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable, the Board shall order the second election. This election shall be held not less than 20 nor more than 30 days after the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable. Notice of the second election shall be given in the same manner as for the first election. Only the names of the tying candidates shall be printed on the ballot; write-in votes shall not be permitted. <i>Election Code 2.002(a)-(e)</i>
CASTING LOTS	The tying candidates may agree to cast lots to resolve the tie. The agreement shall be filed with the Board, and the Board President shall supervise the casting of lots. <i>Election Code 2.002(f)</i>
WITHDRAWAL OF CANDIDATE	A tying candidate may resolve the tie by filing with the Board a written statement of withdrawal signed and acknowledged by the candidate. On receipt of the statement of withdrawal, the remaining candidate is the winner, and a second election or casting of lots is not held. <i>Election Code 2.002(g)</i>

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

RECOUNT	<p>If a tie vote is not resolved by casting lots or by a candidate withdrawing, an automatic recount shall be conducted in accordance with Election Code Chapter 216. <i>Election Code 2.002(i)</i></p> <p>The cost of the recount shall be paid by the District. <i>Election Code 216.005(b)</i></p>
VOTING SYSTEM MALFUNCTION	<p>If no private vendor supports the District's voting system, the District must give notice to the Secretary of State within 24 hours of a malfunction of the District's voting system software or equipment in an election. The notice may be verbal or in writing. <i>1 TAC 81.64</i></p>
OFFICER'S STATEMENT	<p>Newly elected and appointed Trustees, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. <i>Tex. Const. Art. XVI, Sec. 1(b)</i> [See BBB(EXHIBIT)]</p>
OATH OF OFFICE	<p>After the officer's statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, the Trustee shall take the oath or affirmation of office and shall file it with the President of the Board. <i>Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061</i> [See BBB(EXHIBIT)]</p> <p>The oath may be administered and a certificate of the fact given by:</p> <ol style="list-style-type: none">1. A judge, retired judge, or clerk of a municipal court.2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.3. A notary public.4. A justice of the peace or clerk of a justice court.5. The Texas secretary of state.6. The speaker of the house of representatives.7. The lieutenant governor of Texas.8. The governor of Texas.9. A legislator or retired legislator.10. The attorney general. <p><i>Gov't Code 602.002, 602.006</i></p>
VOTING RIGHTS ACT	<p>The Board, being subject to the Voting Rights Act of 1965, shall submit any changes that affect elections to the U.S. Justice Department for preclearance and shall implement such changes</p>

Coppell ISD
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BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

unless the justice department interposes an objection within 60 days after the date of submission. *42 U.S.C. 1973c; 28 CFR 51.6; Garza v. Gates, 482 F.Supp. 1211 (D.C. Tex. 1980)*

BOARD MEMBERS
COMPENSATION AND EXPENSES

BBG
(LEGAL)

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

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

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

TRAVEL SERVICES An officer of the District who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f); 34 TAC 20.301(b)(2)(F)*

LOCAL REVENUE SOURCES
LOANS AND NOTES

CCF
(LEGAL)

LOAN SECURED BY
DELINQUENT TAX
PLEDGE

The Board may pledge its delinquent taxes levied for maintenance purposes for specific past, current, and future school years as security for a loan, and may evidence any such loan with negotiable notes, and the delinquent taxes pledged shall be applied against the principal and interest of the loan. Negotiable notes issued under this subsection must mature not more than 20 years from their date.

The District may not pledge delinquent taxes levied for school bonds as security for a loan.

Funds secured through loans secured by delinquent taxes may be employed for any legal maintenance expenditure or purpose of the District, including all costs incurred in connection with: (1) environmental cleanup and asbestos removal programs implemented by districts; or (2) maintenance, repair, rehabilitation, or replacement of heating, air conditioning, water, sanitation, roofing, flooring, electric, or other building systems of existing school properties.

Education Code 45.104

LOANS FOR CURRENT
MAINTENANCE
EXPENSES

The Board may, when deemed necessary, borrow money for the purpose of paying maintenance expenses and may evidence those loans with negotiable notes, except that the loans may not at any time exceed 75 percent of the previous year's income. The notes may be payable from and secured by a lien on and pledge of any available funds of the District, including proceeds of a maintenance tax. The term "maintenance expenses" or "maintenance expenditures" as used in this policy means any lawful expenditure of the District other than payment of principal of and interest on bonds. The term includes all costs incurred in connection with environmental cleanup and asbestos cleanup and removal programs implemented by the District or in connection with the maintenance, repair, rehabilitation, or replacement of heating, air conditioning, water, sanitation, roofing, flooring, electric, or other building systems of existing school properties. Notes issued pursuant to this policy may be issued to mature in not more than 20 years from their date. Notes issued for a term longer than one year shall be treated as "debt" as defined in Section 26.012(7), Tax Code, as amended.

Such notes may be issued only after a budget has been adopted for the current school year. Notes shall be authorized by resolution adopted by a majority of the Board, signed by the President or Vice-President, and attested to by the Secretary.

Education Code 45.108

LOCAL REVENUE SOURCES
LOANS AND NOTES

CCF
(LEGAL)

SHORT-TERM
OBLIGATIONS AND
CREDIT AGREEMENTS

The District may issue, sell, and deliver certain obligations under Government Code Chapter 1371 to the extent authorized by Education Code 45.003 if the District:

1. Has an average daily attendance of 50,000 or more; or
2. Has:
 - a. In a principal amount of at least \$100 million in outstanding long-term indebtedness, proposed indebtedness or a combination thereof; and
 - b. Some amount of long-term indebtedness outstanding or proposed to be issued that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

Gov't Code 1371.001(4)(L), (P), 1371.0521

Subject to the restrictions of Education Code 45.011(c) and (d), a district with an average daily attendance of at least 2,000 or a combined aggregate principal of at least \$50 million in outstanding and voted but unissued bonds may, in the issuance of negotiable coupon bonds for which voters have authorized the District to levy taxes without limit as to rate or amount, issue obligations and execute credit agreements as described in Government Code Chapter 1371. *Education Code 45.0011*

The maximum rate of interest for any issue or series of public securities shall be a net effective interest rate of 15 percent. *Gov't Code 1204.006*

Short-term notes shall be issued in accordance with the Public Security Procedures Act. *Gov't Code 1201*

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

MAINTENANCE TAX The Board may levy, assess, and collect annual ad valorem taxes for the maintenance of the District's schools. *Education Code 45.002*

TAX RATE CAP If authorized by a majority of qualified voters of the District voting at an election held for that purpose, the District may impose a maintenance tax rate 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 the 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), (e), (f)

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

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

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

Tax Code 26.04(b)

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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

Education Code 44.004

TAX RATE

Before the later of September 30 or the 60th day after the date the certified appraisal roll is received, the Board shall adopt a tax rate for the current tax year that reflects the two components, maintenance and operations expenditures and the debt service rate published 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)*

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

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 property taxes be increased by the adoption of a tax rate of (specify 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, the 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 RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)." The District shall also include on the home page of any Internet Web site 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 RAISE TAXES

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME
BY APPROXIMATELY \$(Insert amount).”

Tax Code 26.05(b)

ELECTION TO RATIFY
SCHOOL TAXES

If the Board adopts a tax rate that exceeds the District’s rollback tax rate as defined in Tax Code 26.08, the registered voters of the District at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money is necessary due to a natural disaster and the governor has requested federal disaster assistance, an election is not required.

Tax Code 26.08(a)

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

APPROVAL OF
PROPOSITION

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

CALL FOR
ELECTION

A call for an election shall be made not later than the 62nd day before election day except that for an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day. *Election Code 3.005* [See BBB]

NOTICE TO
COUNTY CLERK

The 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. *Election Code 4.008*

PRECLEARANCE
REQUIRED

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

DISCOUNTS

The Board may adopt one or both of the following discount options for early payment of District taxes.

OPTION 1

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

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

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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(LEGAL)

3. One percent if the tax is paid in December.

Tax Code 31.05

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

OPTION 2

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

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

BOTH OPTIONS

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

Tax Code 31.05

SPLIT PAYMENT

The Board may provide for split payment of taxes. If a person pays one-half of the taxes before December 1, he or she may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year. This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.03, 31.04(c)*

IN CERTAIN
COUNTIES

The board of a district located in a county having a population of 250,000 or more that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide that the split-payment option does not apply to the taxing unit's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

DISASTER AREA

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

1. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units;
2. Is located in a disaster area and has been damaged as a direct result of the disaster; and

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

3. Has had taxes imposed upon it by a taxing unit before the first anniversary of the disaster.

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

Tax Code 31.032

PERFORMING
SERVICES IN LIEU OF
PAYING TAXES

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

PERSONS 65 AND
OVER

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

Tax Code 31.035

TEACHING
SERVICES BY
INDIVIDUAL

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

TEACHING
SERVICES BY
EMPLOYEE OF
BUSINESS ENTITY

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

INSTALLMENT
PAYMENTS

CERTAIN
HOMESTEADS

An individual who is disabled or at least 65 and qualifies for a homestead exemption may pay taxes on the residence homestead property in installments. To do so, the individual must pay at least one-fourth of the taxes due before the delinquency date. This payment must be accompanied by notice that the individual will pay the remaining taxes in installments. The person may pay the remaining taxes without penalty or interest. The first installment must

be paid before April 1, the second before June 1, and the third before August 1. *Tax Code 31.031*

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)*

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

Tax Code 31.02

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

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

If the District or the tax collector for the District has imposed the penalty described above and has contracted with a private attorney for collection of delinquent taxes, the Board may impose, by official action, an additional penalty on all taxes that become delinquent on or after June 1 under Tax Code 26.15(e), 31.03, 31.031, 31.032, or 31.04. This penalty may not exceed the amount of compensa-

LOCAL REVENUE SOURCES
AD VALOREM TAXES

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(LEGAL)

tion specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall send notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent. *Tax Code 33.08*

HOMESTEAD
EXEMPTIONS

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

APPLICATION FOR
EXEMPTION

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

PERSONS 65
AND OVER OR
DISABLED
PERSONS

The District shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Section 11.13 of the Tax Code, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

OTHER
LIMITATIONS

Notwithstanding the other provisions of this section, if in the 2007 tax year an individual qualifies for a limitation on tax increases provided by this section on the individual's residence homestead and the first tax year the individual or the individual's spouse qualified for an exemption under Tax Code 11.13(c) for the same homestead was the 2006 tax year, the amount of the limitation provided by this section on the homestead in the 2007 tax year is equal to the amount computed as provided by Tax Code 11.26(a-1). *Tax Code 11.26(a-1)*

Notwithstanding the other provisions of this section, if in the 2007 tax year an individual qualifies for a limitation on tax increases provided by this section on the individual's residence homestead and the first tax year the individual or the individual's spouse qualified for an exemption under Tax Code 11.13(c) for the same homestead was a tax year before the 2006 tax year, the amount of the limitation provided by this section on the homestead in the 2007 tax year is equal to the amount computed as provided by Tax Code 11.26(a-2). *Tax Code 11.26(a-2)*

Except as provided at IMPROVEMENTS, below, a limitation on tax increases provided by this section on a residence homestead computed under Tax Code 11.26(a-1) or (a-2) continues to apply to the

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
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	homestead in subsequent tax years until the limitation expires. <i>Tax Code 11.26(a-3)</i>
IMPROVEMENTS	The 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 LIMITATION	If an individual who receives the 65-and-over limitation on tax increases subsequently qualifies for a different resident homestead, the District may impose taxes on the subsequently acquired homestead only in accordance with Tax Code 11.26. <i>Tax Code 11.26(g), (h)</i>
ADDITIONAL EXEMPTIONS	The Board may grant additional tax exemptions for homesteads, historic sites, and charitable organizations, as provided by law. <i>Tax Code 11.13, 11.184, 11.24; Tex. Const. Art. VIII, Sec. 1-b</i>
NATURAL DISASTER	If the District is located partly or entirely inside an area declared by the governor to be a natural disaster area, the Board may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. <i>Tax Code 23.02(a)</i>
REINVESTMENT ZONES / TAX INCREMENT FINANCING	When a portion of the real property taxable by the District is proposed for inclusion in a municipal or county reinvestment zone, the Board shall be notified of a description of the proposed boundaries of the zone, the tentative plans for the development or redevelopment of the zone, and an estimate of the general impact of the proposed zone on property values and tax revenues. The District may request additional information from the governing body of the municipality or county proposing to designate a reinvestment zone, and Board members may attend the formal presentation required of the governing body of the municipality or county. Within 15 days of receipt of the notice, the Board shall designate a representative to meet with the governing body of the municipality or county proposing to designate a reinvestment zone to discuss the project plan and the reinvestment zone financing plan and shall notify the municipality or county governing body of its designation. <i>Tax Code 311.003(e), (f), (g)</i>
BOARD OF DIRECTORS	<p>The Board may appoint one member of the reinvestment zone's board of directors or may waive that right. <i>Tax Code 311.009(a)</i></p> <p>In certain reinvestment zones, the Board may be entitled to appoint more than one member of the reinvestment zone's board of directors. <i>Tax Code 311.0091(a), (b)</i></p> <p>When the reinvestment zone has been designated upon petition of property owners under Tax Code 311.005(a)(4), the Board may appoint a member or members, as appropriate, of the reinvestment zone's board of directors only if it has approved the payment of all</p>

or part of the tax increment produced by the District. *Tax Code 311.009(b), 311.0091(c)*

COLLECTION AND
DEPOSIT OF TAX
INCREMENTS

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

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

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

A district whose taxable value is reduced under Government Code 403.302(d)(5) 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, not to exceed the amount the District realizes from the reduction in the District's taxable value. *Tax Code 311.013(n)*

GOODS-IN-TRANSIT

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.

The Board may provide for the taxation of goods-in-transit exempt as set out above and not exempt under other law. 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, the Board must conduct a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution. The goods-in-transit remain subject to taxation by the District until the Board rescinds or repeals its pre-

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CCG
(LEGAL)

vious action to tax goods-in-transit, or otherwise determines that the exemption prescribed above will apply to that District.

Tax Code 11.253

REINVESTMENT
ZONES — TAX
ABATEMENT

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

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 or financial benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas as identified by the Texas Strategic Economic Development Planning Commission.

Tax Code 313.004(3)

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

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

CLB
(LEGAL)

BUILDINGS	Every school building shall be located on grounds that are well-drained and maintained in a sanitary condition. All buildings shall be properly ventilated and provided with an adequate supply of drinking water, an approved sewage disposal system, handwashing facilities, a heating system, and lighting facilities, all of which shall conform with established standards of good public health engineering practices.
LUNCHROOMS	All school lunchrooms shall be maintained in accordance with state food and drug regulations.
CUSTODIAL SERVICES	All school buildings and appurtenances to buildings shall be maintained in a sanitary manner, and all full-time building custodians and janitors shall know the fundamentals of safety and school sanitation. <i>Health and Safety Code 341.065</i>
STRUCTURAL PEST CONTROL	When necessary, the District shall obtain pest control services for school buildings either by: <ol style="list-style-type: none">1. Contracting with a business that has a structural pest control business license; or2. Requiring the District employee who is licensed as a certified noncommercial applicator or technician to perform the services. <i>Occupations Code 1951.459</i> <p>Before treating a school building for pest control, the District shall ensure that the necessary signs and information for employees and parents of students are posted or made available. <i>Occupations Code 1951.455</i> [See DI, FD]</p>
INTEGRATED PEST CONTROL PROGRAM	The District shall adopt an integrated pest control program for the use of pesticides, herbicides, and other chemical agents to control pests, rodents, insects, and weeds at school buildings and other school facilities.
PEST CONTROL POLICY REQUIREMENTS	The District shall develop a written pest management policy for all structural pest control activities conducted on school property based on the most current Texas Structural Pest Control Integrated Pest Management document. The pest management policy must be adopted by the Board and kept on file by the Superintendent and the Integrated Pest Management (IPM) coordinators. The policy shall be based on generally accepted tenets of integrated pest management, as defined by the Environmental Protection Agency (EPA), including but not limited to:

1. Strategies that rely on the best combination of pest management tactics that are compatible with human health and environmental protection;
2. Proper identification of pest problems;
3. Monitoring programs to determine when pests are present or when pest problems are severe enough to justify corrective action;
4. Use of nonchemical management strategies whenever practical; and
5. Preferential use of least toxic chemical controls when pesticides are needed.

For specific requirements regarding the application and classification of pesticides, refer to 4 TAC Part 1, Chapter 7, Subchapter H.

IPM COORDINATOR

The District shall designate an IPM coordinator(s). The IPM coordinator must implement the District's IPM policy. The person(s) designated as the District's IPM coordinator(s) shall attend a Texas Department of Agriculture Structural Pest Control Service approved IPM coordinator training course within 12 months of designation as IPM coordinator. The IPM coordinator shall oversee and be responsible for the following:

1. Assisting in the coordination of pest management personnel and ensuring that all school employees who perform pest control have the necessary training, are equipped with the appropriate personal protective equipment, and have the necessary licenses for their pest management responsibilities;
2. Maintaining a prioritized list of needed structural and landscape improvements;
3. For a district that conducts some or all pest management work through independent contractors, working with administrators to ensure that local pest control proposal specifications are compatible with IPM principles, and that pest control contractors work under the guidelines of the District's IPM policy;
4. Ensuring that all pesticides used on District property are in compliance with this policy and keeping current pesticide labels and Material Safety Data Sheets (MSDS);
5. Authorizing and reviewing least hazardous, effective emergency treatments with the approval of the certified applicator;

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

CLB
(LEGAL)

6. Handling requests and inquiries relating to pest problems and maintaining records of any pesticide-related complaints;
7. Ensuring that files are maintained regarding pesticide application records and that incidental use reports are in compliance with 4 TAC 7.155;
8. Informing District administrators and other personnel about IPM requirements (training, notice and posting, sanitation, pesticide storage); and
9. Maintaining a copy of the District's IPM policy.

CONTRACTS

All pest control services must be consistent with the District's pest management policy.

NONCOMPLIANCE

A district or certified commercial applicator found not in compliance with the Texas Structural Pest Control Act and 4 TAC 7.150 is subject to administrative penalties.

Occupations Code 1951.212; 4 TAC 7.150

Note: For provisions regarding selection and adoption of textbooks, see EFAA.

TEXTBOOKS	Textbooks selected for use in the public schools shall be furnished without cost to the students attending those schools. All textbooks purchased in accordance with Education Code Chapter 31 are the property of the state of Texas. <i>Education Code 31.001, 31.102(a)</i>
DELEGATION OF POWER	The Board may delegate the power to requisition, distribute, and manage the inventory of books, consistent with Education Code Chapter 31. <i>Education Code 31.104(a)</i>
TEXTBOOK FUNDING	Annually, the State Board of Education (SBOE) shall set aside out of the available school fund an amount sufficient for districts to purchase and distribute the necessary textbooks for the use of the students of this state for the following school year. <i>Education Code 31.021(b)</i>
MAXIMUM COST	<p>The SBOE shall set a limit on the cost that may be paid from the state textbook fund for a textbook on the conforming or nonconforming list. <i>Education Code 31.025</i></p> <p>If the District selects instructional materials priced above the limit set by SBOE, the District is responsible for paying the publisher the portion of the cost above the state maximum. <i>19 TAC 66.104(b)</i></p>
NONADOPTED MATERIALS	<p>If the District selects a book for a course in the enrichment curriculum and grade level that is not on either the conforming or nonconforming lists, the state shall pay the District the lesser of:</p> <ol style="list-style-type: none">1. Seventy percent of the total actual cost to the District of the books; or2. Seventy percent of the limit set by SBOE for that book. <p><i>Education Code 31.101(b)</i></p> <p>Funds received from the state under this provision may be used only to purchase the nonadopted instructional materials selected and ratified by the Board. The minutes of the Board meeting at which such a selection is ratified shall reflect the District's agreement to bear responsibility for the portion of the costs not eligible for payment by the state. <i>19 TAC 66.104(c), (e)</i></p>
LOCAL FUNDS	The District may use local funds to purchase any textbooks in addition to those selected under Education Code Chapter 31. <i>Education Code 31.106</i>
REQUISITIONS, USE, AND DISTRIBUTION	Not later than the seventh day after the first school day in April, each principal shall report the maximum attendance for a school to the Superintendent. Not later than April 25, the Superintendent

shall report the District's maximum attendance to the Commissioner of Education. Requisitions for textbooks for the following school year shall be based on the maximum attendance reports, plus an additional ten percent, except as otherwise provided, and shall be made no later than June 1 of each year. The District may requisition textbooks for grades above the grade level in which a student is enrolled, except that the total quantity requisitioned may not exceed the above limit. *Education Code 31.103; 19 TAC 66.104(l)* [See BJA]

Once instructional materials have been requisitioned and delivered, including nonadopted materials, the District shall continue to use those instructional materials during the contract period or periods of the materials. The District may not return copies of one title to secure copies of another title in the same subject. *19 TAC 66.104 (f), (j)*

The Board, as legal custodian of the textbooks used in the District, shall distribute books to students as it may deem most effective and economical. *Education Code 31.102(c)*

- ORDER QUANTITIES When placing orders for instructional materials, the District shall report enrollments as follows:
1. Annual orders for instructional materials: enrollments shall be reported based on the maximum number of students enrolled in the District during the previous school year and/or registered to attend the District during the next school year; and
 2. Supplemental orders for instructional materials: enrollments shall be reported based on the actual number of students enrolled in the District when the order is submitted, adjusted for students reported as working above or below grade level.

19 TAC 66.107(d)

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

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

Education Code 31.1031

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

TIME FOR
DELIVERY

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

SURPLUS

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

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

CHARGES FOR
FAILURE TO
RETURN SURPLUS

If the District orders instructional material in excess of its eligibility by reporting enrollments exceeding those described above, the District enters into a contract with the state to purchase the instructional materials supplied that exceed the District's eligibility for the subject area/grade level. The District may cancel the contract to purchase the excess instructional materials by immediately notifying TEA of the surplus and posting the surplus in accordance with instructions provided by TEA. If prior approval is received, surplus instructional materials may be returned to the publisher's approved depository or placed into statewide surplus inventory in accordance with instructions from TEA. A school district that fails to notify TEA of surplus instructional materials for more than six months after the beginning of the school year shall reimburse the state at the full price for the surplus instructional materials. *19 TAC 66.107(g)*

EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

CMD
(LEGAL)

SUPPLEMENTAL
TEXTBOOKS

The District may requisition a supplemental textbook only if the District:

1. Uses textbook credits received under Education Code 31.1011 to purchase the supplemental textbook; or
2. Instead of requisitioning a textbook on the conforming list under Education Code 31.023 for a course in the foundation curriculum under Education Code 28.002, requisitions the supplemental textbook along with other supplemental textbooks or textbooks on the nonconforming list under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the District or school is requisitioning the supplemental textbooks.

Education Code 31.035(d)

If the total cost for the supplemental textbooks requisitioned by the District under Education Code 31.035(d)(2) for a course is greater than the limit on the cost under Education Code 31.025(a) for a single textbook on the conforming list for the course, the District or school may apply credits received under Education Code 31.1011 toward the difference for the supplemental textbooks. *Education Code 31.035(e), (f)*

TEXTBOOK CREDIT

The District is entitled to receive credit for textbooks purchased at a cost below the cost limit established under Education Code 31.025(a). *Education Code 31.1011(a)*

CALCULATION

The credit is an amount equal to the difference between the price paid for a textbook and the cost limit for that textbook multiplied by the number of copies of that textbook the District purchases. *Education Code 31.1011(a)*

If the total cost for the supplemental textbooks requisitioned by the District under Education Code 31.035(d)(2) for a course is less than the cost limit for a single textbook on the conforming list for the course, the District is entitled to receive credit under Section 31.1011 in the same manner as if the single textbook were selected. *Education Code 31.035(e)*

DISTRIBUTION

Fifty percent of the total textbook credit of the District shall be credited to the state textbook fund, and 50 percent of the credit shall be credited to the District to apply toward the requisition of:

1. Additional textbooks or electronic textbooks that are on the conforming or nonconforming list under Education Code 31.023 or the components of such textbooks, including any electronic components; or

2. Supplemental textbooks as provided by Education Code 31.035.

Education Code 31.1011(c)

BOOK OWNERSHIP
AND COVERS

All textbooks shall state that the book is the property of or is licensed to the state. Books, other than electronic textbooks, must be covered by the student under the direction of the teacher. Books must be returned to the teacher at the end of the school year or when the student withdraws from school. *Education Code 31.104(c)*

RESPONSIBILITY FOR
BOOKS

Each student or his or her parent or guardian shall be responsible for all books not returned by the student, and any student failing to return all books shall forfeit the right to free textbooks until the books previously issued but not returned are paid for by the student, parent, or guardian.

Under circumstances determined by the Board, the District may waive or reduce the payment required if the student is from a low-income family. The District shall allow students to use textbooks at school during each school day.

If a book is not returned and payment is not made, the District may withhold the student's records, but shall not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. However, in accordance with policies FL and GBA, students have a right to copies of any and all District records that pertain to them.

Education Code 31.104(d); 20 U.S.C. 1232g; Gov't Code 552.114(b)(2) [See also EF]

SALE OF BOOKS

The Board may sell books, other than electronic textbooks, to students or other schools at the state contract price. All money accruing from sales of textbooks shall be forwarded to the Commissioner of Education as directed, and deposited in the state textbook fund. *Education Code 31.105*

ANNUAL INVENTORY

The District shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the District. The results of the inventory shall be recorded in a District's files. Reimbursement and/or replacement shall be made for all instructional materials determined to be lost. *19 TAC 66.107(a)*

LOCAL HANDLING
EXPENSES

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

[See BBFB and DBD]

OUT-OF-ADOPTION
TEXTBOOKS

The District may retain out-of-adoption instructional materials.

The District shall make out-of-adoption instructional materials (other than electronic instructional materials) available to libraries maintained by city and county jails, institutions within the Department of Corrections, and other state agency institutions. District officials may donate out-of-adoption instructional materials (other than electronic instructional materials) to students, adult education programs, and nonprofit organizations. Individuals and organizations making such requests shall be responsible for transporting the materials.

After all efforts to donate out-of-adoption instructional materials (other than electronic instructional materials) to organizations listed above have been exhausted, the District may donate those materials for recycling locally. Recycling means removing the bindings and shredding the textbooks for the purpose of producing new products from the processed materials.

Under no circumstances shall the District sell out-of-adoption instructional materials.

19 TAC 66.131

FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

COB
(LEGAL)

BREAKFAST
PROGRAM

If at least ten percent of the students enrolled in one or more schools in the District are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C.A. 1773), the District shall participate in the program and extend its benefits to all eligible students in said school or schools. *Education Code 33.901*

SUMMER LUNCH
PROGRAM

The primary purpose of the Summer Food Service Program (SFSP) is to provide food service to children from needy areas during periods when area schools are closed for vacation. *7 CFR 225.1 et seq.*

Public school districts in which 60 percent or more of the enrolled children are eligible to receive free meal benefits in the National School Lunch Program must operate directly or arrange for the operation of the SFSP in their districts according to the Human Resources Code 33.024. *Human Resources Code 33.024; 4 TAC 25.612*

WAIVERS

The District may obtain a waiver from the requirement to provide a summer lunch program if the District works with field offices to identify other persons and agencies in the District who were contacted as potential providers or sites for the summer program and the District demonstrates to the Texas Department of Agriculture (TDA) and TEA one of the following:

1. There are fewer than 100 children in the District currently eligible for free or reduced-price meals.
2. Transportation remains an insurmountable obstacle despite consultation by the District with public transit providers.
3. The District is unable to operate a summer program due to renovation or construction within the District and an appropriate alternative provider or site is not available.
4. The District is unable to operate a summer program due to other extenuating circumstances and an appropriate alternative provider or site is not available.

Human Resources Code 33.024

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

DEFERRED
COMPENSATION –
SECTION 457

The District, either alone or by contract with other political subdivisions, may create and administer a deferred compensation plan, the federal income tax treatment of which is governed by Section 457 of the Internal Revenue Code of 1986, and its subsequent amendments, for its employees and may assess a fee on each participating employee for administering the plan.

The organization and implementation of such a deferred compensation plan shall be in accordance with Chapter 609, Subchapter B, Government Code.

Gov't Code Ch. 609

A political subdivision may contract with an employee of the political subdivision for the deferment of any part of the employee's compensation.

Except as provided by Government Code 609.5025, to participate in a deferred compensation plan, an employee must consent in the contract to automatic payroll deductions in an amount equal to the deferred amount.

Gov't Code 609.007(a), (c)

ANNUITIES – SECTION
403(b)

The District may enter into an agreement with an employee to reduce the employee's salary for the purposes of making direct contributions to or purchases of an annuity or investment product that meets the requirements of Internal Revenue Code Section 403(b) and otherwise satisfies the definition of "qualified investment product." The District may enter into a salary reduction agreement only if the qualified investment product is an eligible qualified investment and is registered with the Teacher Retirement System (TRS) under V.A.T.S. Article 6228-5, Section 8A. *Art. 6228a-5, Sec. 4(7), 5(a), V.A.T.S.*

DEFINITIONS

"Eligible qualified investment" means a qualified investment product offered by a company that:

1. Is certified to TRS under V.A.T.S. Article 6228-5, Section 5; or
2. Is eligible to certify to TRS under V.A.T.S. Article 6228-5, Section 8.

A "certified company" is a company that meets all TRS certification requirements. Certified companies shall be placed on the TRS list of certified companies as long as the certification has not expired or been rejected or revoked. *34 TAC 53.1(3)*

"Qualified investment product" means an annuity or investment that:

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

1. Meets the requirements of Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
2. Complies with applicable federal insurance and securities laws and regulations; and
3. Complies with applicable state insurance and securities laws and rules.

“Salary reduction agreement” means an agreement between the District and an employee to reduce the employee’s salary for the purpose of making direct contributions to or purchases of a qualified investment product.

Art. 6228a-5, Sec. 4 (3), (5), (7), V.A.T.S.

EMPLOYEE
DESIGNATION

An employee is entitled to designate any agent, broker, or company through which a qualified investment product may be purchased or contributions may be made.

PAYROLL
DEDUCTION

To the greatest degree possible, the District shall require that contributions to eligible qualified investments be made by automatic payroll deduction and deposited directly in the investment accounts.

Art. 6228a-5, Sec. 5(e), (f), V.A.T.S.

PROHIBITIONS ON
DISTRICT

The District may not:

1. Refuse to enter into a salary reduction agreement with an employee if the qualified investment product that is the subject of the salary reduction is an eligible qualified investment and is registered with TRS under V.A.T.S. Article 6228-5, Section 8A, unless:
 - a. The eligible qualified investment product that is the subject of the salary reduction agreement is offered by a company that does not comply with the District’s administrative requirements;
 - b. The District imposes the administrative requirements uniformly on all companies that offer eligible qualified investment products; and
 - c. The administrative requirements are necessary to comply with employer responsibilities imposed by:
 - (1) Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
 - (2) Any other provision of the Internal Revenue Code of 1986 that applies to Section 403(b);

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIES

CRG
(LEGAL)

- (3) Any regulation adopted in relation to a law described by subsection (1) or (2) that is effective after December 31, 2007; or
 - (4) Any change to V.A.T.S. Article 6228-5 that becomes effective after January 1, 2007;
2. Require or coerce an employee's attendance at any meeting at which qualified investment products are marketed;
 3. Limit the ability of an employee to initiate, change, or terminate a qualified investment product at any time the employee chooses;
 4. Grant exclusive access to an employee by discriminating against or imposing barriers to any agent, broker, or company that provides qualified investment products;
 5. Grant exclusive access to information about an employee's financial information, including information about an employee's qualified investment products, to a company or agent offering qualified investment products unless the employee consents in writing to the access;
 6. Accept any benefit from a company or from an agent or affiliate of a company that offers qualified investment products; or
 7. Use public funds to recommend a qualified investment product offered by a company or an agent of a company that offers a qualified investment product.

Art. 6228a-5, Sec. 9, V.A.T.S.

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

SECTION D: PERSONNEL

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

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

SECTION D: PERSONNEL

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

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

NONDISCRIMINATION
— IN GENERAL

The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older);
or
5. Disability.

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); U.S. Const. Amend. I; Labor Code Chapter 21 (Texas Commission on Human Rights Act)

Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989)

DISPARATE
TREATMENT

Disparate treatment (intentional discrimination) occurs when members of a race, sex, or ethnic group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. *29 CFR 1607.11*

DISPARATE IMPACT

Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on the basis of race, color, religion, sex, or national origin and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. *42 U.S.C. 2000e-2(k)(1)(A)*

JOB QUALIFICATION

The District may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f)*

EMPLOYMENT
POSTINGS

The District shall not print or publish any notice or advertisement relating to District employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b)*

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

HARASSMENT OF
EMPLOYEES

The District has an affirmative duty to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e et seq.; 29 CFR 1606.8(a), 1604.11* [See DIA]

RETALIATION

The District may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 34 CFR 100.7(e) (Title VI); 34 CFR 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX)*

NOTICES

The District shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

SECTION 504
NOTICE

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the District does not discriminate in employment in its programs and activities; and
2. The identity of the District's 504 coordinator.

Methods of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in District publications; and
4. Distributing memoranda or other written communications.

If the District publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its non-discrimination policy.

34 CFR 104.8

AGE DISCRIMINATION

The District may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

	shall require or permit the involuntary retirement of any individual because of age. <i>29 U.S.C. 623(f)</i>
SEX DISCRIMINATION	An employer may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. <u><i>Price Waterhouse v. Hopkins</i></u> , 490 U.S. 228 (1989)
GENDER STEREOTYPES	
PREGNANCY	The prohibition against discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. The District shall treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes, including receipt of benefits under fringe benefit programs. <i>42 U.S.C. 2000e(k)</i>
EQUAL PAY	The District may not pay an employee at a rate less than the rate the employer pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. <i>29 U.S.C. 206(d); 34 CFR 106.54</i>
RELIGIOUS DISCRIMINATION	<p>The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless the District demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the District's business. "Undue hardship" means more than a <i>de minimus</i> (minimal) cost. <i>42 U.S.C. 2000e(j); 29 CFR 1605.2</i></p> <p>The District may not substantially burden an employee'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. <i>Civ. Prac. & Rem. Code 110.003</i></p>
DISABILITY DISCRIMINATION	The District shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the District can demonstrate that the accommodation would impose an undue hardship on the operation of the District. <i>42 U.S.C. 12112(b); 29 CFR 1630.9; 29 U.S.C. 794; 34 CFR 104.11; Labor Code 21.051</i> [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]
DISCRIMINATION BASED ON RELATIONSHIP	The District shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relation-

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

ship or association. *42 U.S.C. 12112(b)(4); 29 CFR 1630.8; 34 CFR 104.11*

DEFINITIONS

“Disability” means a physical or mental impairment that substantially limits one or more of an individual’s major life activities, a record of having such an impairment, or being regarded as having such an impairment. “Major life activities” are such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. *42 U.S.C. 12102(2); 29 CFR 1630.2(g)–(l); 28 CFR 35.104; 34 CFR 104.3(j), (l); Labor Code 21.002(6)*

“Qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Consideration shall be given to the District’s judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job’s essential functions. *42 U.S.C. 12111(8); 29 CFR 1630.2(m), (n); 34 CFR 104.3(l); Labor Code 21.105*

USE OF ILLEGAL
DRUGS

The term “qualified individual with a disability” does not include any employee or applicant who is currently engaging in the illegal use of drugs, when the District acts on the basis of such use.

DRUG TESTING

The District is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

42 U.S.C. 12114(c), (d) [See DHE]

ALCOHOL USE

The term “qualified individual with a disability” does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 CFR 1630.3(a); 28 CFR 35.104; 29 U.S.C. 705(20)(C)*

REASONABLE
ACCOMMODATION

“Reasonable accommodation” includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 CFR 1630.2(o); 34 CFR 104.12(b)

UNDUE HARDSHIP	“Undue hardship” means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the District, and other factors set out in law. <i>42 U.S.C. 12111(10); 29 CFR 1630.2(p); 34 CFR 104.12(c)</i>
DIRECT THREAT TO HEALTH OR SAFETY	As a qualification standard, the District may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. “Direct threat” means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. <i>42 U.S.C. 12111(3); 29 CFR 1630.2(q)</i>
COMMUNICABLE DISEASES	The District may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. <i>42 U.S.C. 12113(d); 29 U.S.C. 705(20)(D); 29 CFR 1630.16(e); Labor Code 21.002(6)(B)</i>
MILITARY SERVICE	The District shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. The District shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). <i>38 U.S.C. 4311</i> [See also DEC]
GRIEVANCE POLICIES SECTION 504	A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. <i>34 CFR 104.7(b), 104.11</i>
AMERICANS WITH DISABILITIES ACT	A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act. <i>28 CFR 35.107, 35.140</i>
TITLE IX	A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Title IX. *34 CFR 106.8(b); North Haven Board of Education v. Bell,
456 U.S. 512 (1982)*

[See DIA]

COMPLIANCE
COORDINATOR

The District shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, the Age Act, and the ADA. The District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated. *34 CFR 104.7(b), 104.11; 28 CFR 35.107, 35.140; 34 CFR 106.8(b)*

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LOCAL)

The District does not discriminate in any of its programs, activities, services, and other operations on the basis of race, color, or national origin. The District does not tolerate discriminatory behavior by its employees, including racial slurs, or racial harassment that may arise in any program or activity operated by the District. [See DH, DIA]

The District's campus-level counselor shall provide counseling for students who are either victims or offenders in incidents involving racial harassment. [See FFH]

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

STATE FUNDING

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

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

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

Education Code 42.2513

MINIMUM SALARY
SCHEDULE —
EDUCATORS

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

DEFINITIONS

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

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

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

"Nurse" means an educator employed to provide full-time nursing and health care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

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

19 TAC 153.1022(a)

PLACEMENT ON
SALARY SCHEDULE

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

EMPLOYEES
FORMERLY ON
CAREER LADDER

A teacher or librarian who received a career ladder supplement on August 31, 1993, is entitled to at least the same gross monthly salary the teacher or librarian received for the 1994–95 school year as long as the teacher or librarian is employed by the same district.

“Gross monthly salary” includes the amount the teacher or librarian received as a career ladder supplement under Section 16.057, as that section existed January 1, 1993.

Education Code 21.402(f), 21.403(d)

In addition, a teacher or librarian who was on level two or three of the career ladder is entitled, as long as he or she is employed by the same district, to:

LEVEL TWO
EDUCATORS

1. Placement on the minimum salary schedule at the step above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level two of the career ladder on August 31, 1993; or

LEVEL THREE
EDUCATORS

2. Placement on the minimum salary schedule at the step two steps above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level three of the career ladder on August 31, 1993.

Education Code 21.403(d)

SUPPORT STAFF
COMPENSATION

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

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

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

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

Education Code 22.107

PAY INCREASES

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

SALARY ADVANCES
AND LOANS

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

DESIGNATION OF
COMPENSATION FOR
BENEFITS

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

USE

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

ANNUAL ELECTION

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

DEFINITION

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

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

Education Code 22.101(2)

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

FAIR LABOR STANDARDS ACT	Unless an exemption applies, the District shall pay each of its employees not less than minimum wage. <i>29 U.S.C. 206(a)(1)</i>
MINIMUM WAGE	Unless an exemption applies, the District shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours in excess of forty in any workweek. <i>29 U.S.C. 207(a)(1); 29 CFR pt. 778</i>
COMPENSATORY TIME ACCRUAL	<p>Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.</p> <p>An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.</p>
PAYMENT FOR ACCRUED TIME	Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).
USE	<p>An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the District.</p> <p>The Fair Labor Standards Act does not prohibit the District from compelling the use of accrued compensatory time.</p> <p><i>29 U.S.C. 207(o); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)</i></p>
EXEMPT EMPLOYEES	The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity, including academic administrative personnel or teachers in elementary or secondary schools. <i>29 U.S.C. 213(a)(1)</i>
SALARY BASIS	To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the District did not intend to pay employees on a salary basis.

SAFE HARBOR
POLICY

If the District has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the District will not lose the deduction unless the District willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on the District's intranet.

29 CFR 541.600, .602(a), .603

WAGE AND HOUR
RECORDS

The District shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. *29 CFR 516.2*

TRS CONTRIBUTIONS
FOR NEW HIRES

During each fiscal year, the District shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the retirement system, during their first 90 days of employment.

"New member" means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.

On a monthly basis, the District shall:

1. Certify to TRS the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments under this section for the payroll periods; and
2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each employee showing the applicable salary as well as aggregate compensation for the first 90 days of employment for new employees.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

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

Gov't Code 825.4041

TRS SURCHARGE FOR
REHIRED RETIREES
TRS FUND
CONTRIBUTIONS

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

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

HEALTH
INSURANCE
CONTRIBUTIONS

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

EXCEPTION

The District is not required to contribute these amounts for a retiree who retired from the retirement system before September 1, 2005.

Gov't Code 825.4092; Insurance Code 1575.204

ANNUALIZED
COMPENSATION

In a district that annualizes compensation (for example, a teacher providing services during a 10-month school year who is paid over 12 months), an election to annualize the compensation must be made before services begin. The election may be adopted unilaterally by the District. *26 CFR 1.409A-2(a)(14), (c)*

Except as otherwise provided at 26 U.S.C. 409A, the election shall provide that annualized compensation may not be distributed earlier than the date of separation from service or at a specified time (or pursuant to a fixed schedule). *26 U.S.C. 409A(2)*

An employee "separates from service" with the District if the employee dies, retires, or otherwise has a termination of employment with the District. The employment relationship is treated as continuing intact while the individual is on military leave, sick leave, or

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LEGAL)

other bona fide leave of absence if the period of such leave does not exceed six months, or if longer, so long as the individual retains a right to reemployment with the District under statute or by contract. *26 CFR 1.409A-1(h)*

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

The Superintendent shall recommend to the Board for approval compensation plans for all District employees. Compensation plans may include wage and salary structures, stipends, benefits, and incentives.

PAY ADMINISTRATION The Superintendent shall administer the compensation plans consistent with the budget approved by the Board. The Superintendent or designee shall classify each job title within the compensation plans based on the qualifications and duties of the position. Within these classifications, the Superintendent or designee shall determine appropriate pay for new employees and employees re-assigned to different positions.

ANNUAL PAY INCREASES The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine annual increases for individual employees, within budgeted amounts.

MID-YEAR PAY INCREASES
CONTRACT EMPLOYEES A contract employee's pay shall not be increased after performance on the contract has begun unless there is a change in the employee's job assignment or duties that warrants additional compensation. Any such changes in pay during the term of the contract shall require Board approval.

NONCONTRACT EMPLOYEES The Superintendent may grant a pay increase to a noncontract employee after duties have begun only when there is a change in the employee's job assignment or duties, or when an adjustment in the market value of the job warrants additional compensation. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

CLASSIFICATION OF POSITIONS The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

EXEMPT The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the District's complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the FLSA, as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the District's compensation plans.

NONEXEMPT

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

WORKWEEK
DEFINED

For purposes of FLSA compliance, the workweek for District employees shall be 12:00 a.m. Saturday until 11:59 p.m. Friday.

COMPENSATORY
TIME

At the District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.

ACCRUAL

Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 40 hours. If an employee has a balance of more than 40 hours of overtime, the employee will be required to use compensatory time or, at the District's option, will receive overtime pay.

USE

An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a fiscal year, the employee shall receive overtime pay.

Compensatory time may be used at either the employee's or the District's option. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.

ANNUALIZED SALARY
REQUIRED

The District shall pay all salaried employees over 12 months, regardless of the number of months employed during the school year. A salaried employee shall receive his or her salary in equal monthly or bimonthly payments, beginning with the first pay period of the school year.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

EARLY
SEPARATION

If a salaried employee separates from service before the last day of instruction, the employee shall receive in his or her final paycheck the unpaid amount the employee has actually earned from the beginning of the 12-month pay period until the date of separation. For purposes of this policy, "separation from service" shall be as defined in IRS regulation 26 CFR 1.409A-1(h).

A salaried employee who separates from service on or after the last day of instruction shall be paid as follows:

1. An employee who is retiring under the Texas Teacher Retirement System shall receive in his or her final paycheck the unpaid amount the employee has actually earned from the beginning of the 12-month pay period until the date of separation. If the employee is eligible and elects to continue enrollment in the District's group health coverage for one or more months of the summer, the employee's share of premiums shall be withheld from the final paycheck.
2. All other employees shall be paid according to the annualized salary provisions above.

[For provisions on continuation of coverage after resignation, see CRD(LEGAL).]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

This introductory page outlines the contents of the leaves and absences policy. See the following sections for statutory provisions on:

SECTION I

Sick/Personal Leave

1. State Personal Leave;
Accumulated Sick Leave page 2
2. Assault Leave page 2
3. Temporary Disability Leave page 3
4. Family and Medical Leave (FML) pages 4–13
 - a. Eligibility, Notice to Employees
 - b. Definitions of “Serious Health Condition,” “Health Care Provider”
 - c. Maintenance of Health Benefits
 - d. Duration of Leave: Intermittent and End-of-Term Leaves; Combined Leave for Spouses
 - e. Notice by Employees, Foreseen and Unforeseen Leave
 - f. Medical Certification, Recertification
 - g. Concurrent Use of FML with Paid/Unpaid Leave
 - h. Reinstatement
 - i. Denial of Restoration to Key Employees

SECTION II

Military Leave

1. Federal page 14
2. State: Short- and Long-Term page 15

SECTION III

Miscellaneous

1. Religious Observances page 16
2. Compliance with a Subpoena page 16
3. Jury Duty page 16
4. Developmental Leave page 16
5. Absence Control page 17

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

STATE PERSONAL
LEAVE

A state minimum personal leave program consisting of five days per year of personal leave, with no limit on accumulation and no restrictions on transfer among districts, shall be provided for District employees. The District may provide additional personal leave beyond this minimum. The Board may adopt a policy governing an employee's use of personal leave granted under this subsection, except that the policy may not restrict the purposes for which the leave may be used. *Education Code 22.003(a)*

STATE SICK LEAVE
ACCUMULATION

District employees retain any sick leave accumulated as state minimum sick leave under former Section 13.904(a) of the Education Code. Former Section 13.904(c), Education Code, continues to govern the use of that sick leave. Sick leave shall be used only for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Death in the employee's immediate family.

Tex. S.B. 1, § 66, 74th Leg., R.S. (1995)

FORMER EDUCATION
SERVICE CENTER
(ESC) EMPLOYEES

The District shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center (ESC), not to exceed five days per year for each year of employment. *Education Code 8.007*

ASSAULT LEAVE

In addition to all other days of leave, a District employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. At the request of an employee, the District must immediately assign the employee to assault leave. Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, the District may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.

Notwithstanding any other law, assault leave benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so the employee's total compensation from temporary income benefits and assault leave policy benefits will equal 100 percent of the employee's weekly rate of pay.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

A District employee is physically assaulted if the person engaging in the conduct causing injury to the employee:

1. Could be prosecuted for assault; or
2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person a nonresponsible person for purposes of criminal liability.

Education Code 22.003(b), (c)

SICK LEAVE
DIFFERENT FROM
TEMPORARY
DISABILITY LEAVE

An employee's entitlement to sick leave is unaffected by any concurrent eligibility for a leave of absence for temporary disability. The two types of leave are different, and each must be granted by its own terms. *Atty. Gen. Op. H-352 (1974)*

PREGNANCY

Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. *29 CFR 1604.10(b)*

TEMPORARY
DISABILITY

Each full-time educator shall be given a leave of absence for temporary disability at any time the educator's condition interferes with the performance of regular duties. The contract or employment of the educator may not be terminated while the educator is on a leave of absence for temporary disability. For purposes of temporary disability leave, pregnancy is considered a temporary disability.

AT EMPLOYEE'S
REQUEST

A request for a leave of absence for temporary disability must be made to the Superintendent. The request must:

1. Be accompanied by a physician's statement confirming inability to work;
2. State the date requested by the educator for the leave to begin; and
3. State the probable date of return as certified by the physician.

BY BOARD
AUTHORITY

The Board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the Board's judgment in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. The educator shall have the right to present to the Board testimony or other information relevant to the educator's fitness to continue in the performance of regular duties.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

RETURN TO ACTIVE DUTY NOTICE	The educator shall notify the Superintendent of a desire to return to active duty no later than the 30th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the educator's physical fitness for the resumption of regular duties.
PLACEMENT	An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another campus voluntarily may approve the appointment of an employee who wishes to return from leave of absence. However, if no other principal approves the assignment by the beginning of the next school year, the District must place the employee at the school at which the employee formerly taught or was assigned. <i>Atty. Gen. Op. DM-177 (1992)</i>
LENGTH OF ABSENCE	The Superintendent shall grant the length of leave of absence for temporary disability as required by the individual educator. The Board may establish a maximum length for a leave of absence for temporary disability, but the maximum length may not be less than 180 calendar days. <i>Atty. Gen. Op. H-352 (1974)</i> <i>Education Code 21.409</i>
FAMILY AND MEDICAL LEAVE ACT (FMLA)	A district having 50 or more employees within 75 miles of the work-site is subject to the federal Family and Medical Leave Act.
ELIGIBLE EMPLOYEE	"Eligible employee" means an employee who has been employed by the District for at least 12 months and for 1,250 hours during the previous 12-month period.
FAMILY, MEDICAL, OR MILITARY EXIGENCY LEAVE	An eligible employee is entitled to a total of 12 workweeks of leave, without loss of any employment benefit accrued before the beginning of the leave, during any 12-month period for one or more of the following reasons: <ol style="list-style-type: none">1. Because of the birth or adoption, including placement for foster care, of the employee's child and in order to care for the child, provided the leave is taken within 12 months of the birth, adoption, or placement of the child. By agreement between the employee and the District, this leave may be taken intermittently or on a reduced leave schedule.2. To care for the employee's spouse, child, or parent if the spouse, child, or parent has a serious health condition.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

3. Because of the employee's serious health condition that makes the employee unable to perform functions of his or her position.
4. Because of a qualifying exigency, as defined by federal regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

29 U.S.C. 2611(2), 2612(a)

SERVICEMEMBER
FAMILY LEAVE

An eligible employee is entitled to a total of 26 workweeks of leave during a 12-month period to care for a covered servicemember who is the employee's spouse, son, daughter, parent, or next of kin. Servicemember family leave shall only be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave for family, medical, and servicemember leave.

"Covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"Next of kin" means the nearest blood relative of an individual.

"Serious injury or illness," in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

29 U.S.C. 2611(16), (18), (19), 2612(a)

METHODS FOR
DETERMINING
ENTITLEMENT PERIOD

The District is permitted to choose any one of the following methods for determining the 12-month period for which the 12-week leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month "leave year," such as a fiscal year, a year required by state law, or a year starting on an employee's "anniversary" date;
3. The 12-month period measured forward from the date any employee's FML begins; or

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

4. A "rolling" 12-month period measured backward from the date an employee uses any FML (except that such measure may not extend back before August 5, 1993).

29 CFR 825.200(b)(1)-(4)

NOTICE TO
EMPLOYEES

The District shall post and keep posted in conspicuous places on each campus where notices to employees are usually posted, a notice approved by the Secretary of Labor that sets out excerpts from or summaries of the Family and Medical Leave Act and information pertaining to the filing of a charge. *29 U.S.C. 2619*

If the District's workforce is comprised of a significant portion of workers who are not literate in English, the District shall be responsible for providing the information required by the notice in a language in which the employees are literate. *29 CFR 825.300(c)*

SERIOUS HEALTH
CONDITION

A "serious health condition" that entitles an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefor or recovery therefrom) or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider for a period of incapacity (as described above) for:
 - a. More than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition.
 - b. Pregnancy, including severe morning sickness, or prenatal care.
 - c. Treatment for such incapacity due to a chronic serious health condition (one that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity).
 - d. A condition for which treatment may not be effective and for which the employee or family member is under the continuing supervision of a health care provider (i.e., Alzheimer's, a severe stroke, or the terminal stages of a disease).

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

- e. The purpose of receiving multiple treatments by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

29 CFR 825.114(a)

HEALTH CARE
PROVIDER

For FMLA leave purposes, a "health care provider" is defined as any of the following:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices.
2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state (meaning that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider) and performing within the scope of their practice as defined by state law.
3. Nurse practitioners, nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law.
4. Christian Science Practitioners who are listed with the First Church of Christ, Scientist in Boston, Massachusetts.
5. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
6. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

29 CFR 825.118

MAINTENANCE OF
HEALTH BENEFITS

During any period that an eligible employee takes FMLA leave, the District shall maintain coverage under any "group health plan" for the duration of the leave at the level and under the conditions cov-

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

erage would have been provided if the employee had continued in active duty with the District. *29 U.S.C. 2614(c)(1)*

FAILURE TO
RETURN FROM
LEAVE

The District may recover its share of health care premiums paid during a period of FMLA leave if an employee fails to return to work after his or her FMLA leave entitlement has been exhausted or expires, unless one of the following conditions exists:

1. The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under FMLA; or
2. Other circumstances beyond the employee's control.

When an employee fails to return to work, except for the reasons stated above, health premiums paid by the District during a period of FMLA leave are a debt owed the District by the nonreturning employee, and may be recovered by the District through deduction of any sums due the employee or through legal action.

29 U.S.C. 2614(c)(2); 29 CFR 825.213(a), (f)

DISCRIMINATION
PROHIBITED

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to employee's rights. An employer is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA. An employer is prohibited from discriminating against employees or prospective employees who have used FMLA. *29 CFR 825.220*

INTERMITTENT LEAVE

An eligible employee other than an instructional employee may take leave intermittently or on a reduced leave schedule when medically necessary to care for a spouse, parent, child, or, in the case of a covered servicemember, next of kin, or to receive planned medical treatment for himself or herself. *29 U.S.C. 2612(b)*

Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule reduces the usual number of working days per workweek or hours per workday. The District may limit leave increments to the shortest period of time that its payroll system uses to account for absences or use of leave, provided it is one hour or less. An employee may not be required to take more FMLA leave than necessary to address the circumstance that precipitated the need for the leave, unless the employee is an eligible instructional employee whose request meets the conditions below. *29 CFR 825.203 (a), (d)*

An eligible instructional employee who requests leave to care for a spouse, parent, child, or, in the case of a covered servicemember,

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

next of kin, or because of his or her own serious health condition that is foreseeable based on planned medical treatment and who would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, may be required to choose either to:

1. Take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
2. Transfer temporarily to an available alternative position offered by the District for which the teacher is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the teacher's regular employment position.

29 U.S.C. 2618(c)

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.
29 CFR 825.600(c)

CHILD CARE /
ADOPTION

The District may allow any of its employees to take intermittent leave for child care and/or adoption purposes. *29 U.S.C. 2618(c)(2)*

END-OF-TERM LEAVE

When an instructional employee requests leave near the end of a semester, the District may impose the following restrictions on the timing of a return to duty:

1. If the leave begins more than five weeks before the end of the semester, the District may require the employee to continue taking leave to the end of the semester if the leave will last at least three weeks and the return to employment would occur during the three-week period before the end of the semester.
2. If the leave begins during the five weeks before the end of the semester and is for a purpose other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks and return to employment would occur during the two-week period before the end of the semester.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

3. If the leave begins during the three weeks prior to the end of the semester for a purpose other than the employee's own serious health condition and will last more than five working days, the District may require the employee to continue to take leave until the end of the semester.

If the District requires an employee to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA entitlement.

29 U.S.C. 2618(d); 29 CFR 825.600(c), 825.602, 825.603(b)

BOTH SPOUSES
EMPLOYED IN
DISTRICT

A husband and wife who are eligible for FMLA leave and are both employed in the District may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken:

1. For the birth of a son or daughter or to care for the child after birth.
2. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.
3. To care for a parent with a serious health condition.

When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount he or she has taken individually and 12 weeks of FMLA leave for a purpose other than those listed above.

29 U.S.C. 2612(f); 29 CFR 825.202

SERVICEMEMBER
FAMILY LEAVE

The husband and wife may be limited to a combined total of 26 workweeks of leave during the single 12-month period if the leave is taken, in whole or in part, to care for a covered servicemember. However, the 12-week limitation above applies to that portion that is not taken to care for a covered servicemember.

NOTICE BY
EMPLOYEES
FORESEEABLE
LEAVE

An employee shall provide at least 30 days' notice before FMLA leave is to begin if the need for leave is foreseeable based on the expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee, a family member, or a covered servicemember. If 30 days' notice is not practicable, such as because of not knowing approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

In any case in which leave because of a qualifying exigency is foreseeable, whether because the servicemember is on active duty, or because of notification of an impending call or order to ac-

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

tive duty in support of a contingency operation, the employee shall provide notice to the District as is reasonable and practicable.

“As soon as practicable” means as soon as possible and practical taking into account all of the facts and circumstances in the individual case. Ordinarily, it would mean at least verbal notification to the District within one or two business days of when the need for leave becomes known to the employee.

29 U.S.C. 2612(e); 29 CFR 825.302

LEAVE THAT IS NOT FORESEEABLE	When the need for leave, or its approximate timing, is not foreseeable, an employee shall provide notice to the District as soon as practicable under the facts and circumstances of the particular case. Ordinarily, notice shall be provided within no more than one or two working days of learning of the need for leave. Notice should be provided either in person or by telephone, telegraph, “fax” machine, or other electronic means. <i>29 CFR 825.303</i>
SPECIFICITY OF NOTICE	Employees are not required to expressly invoke the FMLA’s protection when notifying the District of their need for FMLA leave. <u><i>Manuel v. Westlake Polymers Corp.</i></u> , 66 F.3d 758 (5th Cir. 1995).
MEDICAL CERTIFICATION	The District may require a certification issued by the health care provider of the spouse, child, parent, or employee that the employee is needed to care for the spouse, child, or parent or, in case of leave for the employee’s condition, that the employee is unable to perform the functions of his or her position. In the case of servicemember family leave, the District may require certification issued by the health care provider of the servicemember that the employee is needed to care for the servicemember. The certification shall include the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the provider’s knowledge regarding the condition. The employee shall in a timely manner provide a copy of the certification to the District.
QUALIFYING EXIGENCY CERTIFICATION	The District may require that a request for leave because of a qualifying exigency of a covered servicemember be supported by certification as prescribed by federal regulation. <i>29 U.S.C. 2613</i>
RECERTIFICATION	For pregnancy, chronic, or permanent/long-term conditions under the continuing supervision of a health care provider, the District may request recertification no more often than every 30 days, unless more frequent recertification is warranted because: 1. The employee requests an extension of leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

2. Circumstances described by the original certification have changed significantly (i.e., the duration or nature of the illness or complications).
3. The District receives information that casts doubt upon the continuing validity of the certification.

The employee must provide the requested recertification to the District within the time frame requested by the District (which must allow at least 15 days to submit a recertification), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good-faith efforts.

Any recertification requested by the District shall be at the employee's expense, unless the District provides otherwise. No second or third opinion on recertification may be required.

29 U.S.C. 2613(e); 29 CFR 825.308

CONCURRENT USE OF
PAID LEAVE AND
FMLA LEAVE

The District may designate any paid leave to which the employee is entitled as substituting for all or some portion of the employee's FMLA leave entitlement. Once the District has acquired knowledge that the leave is being taken for an FMLA-required reason, the District must promptly (within two business days absent extenuating circumstances) notify the employee that the paid leave is designated and will be counted as FMLA leave. *29 U.S.C. 2612(d)(2); 29 CFR 825.208(b)(1)*

WORKERS'
COMPENSATION
RECIPIENTS

The provision for substituting an employee's paid leave does not apply to a workers' compensation absence. However, the District may not deny use of accrued paid leave to an employee who is on FMLA leave and receiving workers' compensation benefits. *29 CFR 825.207(d)(1), (2); Atty. Gen. Op. JC-40 (1999)*

RETURN TO WORK

The District may uniformly require, as a prerequisite for reinstating employees whose FMLA leave was due to their own serious health condition, medical certification of their ability to resume work. *29 U.S.C. 2614(a)(4)*

RETURN TO
POSITION

An employee who takes FMLA leave under these provisions is entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. The determination of how an employee is restored to an equivalent position is based on the District's established policies and practices that clearly explain the employee's restoration rights on return from leave. *29 U.S.C. 2614(a)(1), 2618(e); 29 CFR 825.604*

DENIAL OF
RESTORATION

The District may deny restoration to "key employees," as described below, and may delay restoration to any employee who fails to pro-

vide a fitness-for-duty certificate to return to work, if such is required by the District.

A “key employee” is a salaried FMLA-eligible employee who is among the highest paid ten percent of all District employees within 75 miles of the employee’s worksite. Key employees may be denied restoration to their original or equivalent positions under the following conditions:

1. At the time FMLA leave is requested (or FMLA leave begins, if earlier), the employee has received written notice that he or she is a “key employee,” and has been informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the District determines that substantial and grievous economic injury will result to District operations if the employee is reinstated from FMLA leave.
2. The Board determines that denial of restoration is necessary to prevent substantial and grievous economic injury to the District.
3. On making the determination that injury would occur, the District notifies the employee in writing, either in person or by certified mail, of its intent to deny restoration to employment on completion of FMLA leave. The notice must explain the basis for the Board’s finding of injury and must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of leave and the urgency of the need for the employee to return.
4. If the employee does not return to work in response to the District’s notice, he or she continues to be entitled to maintenance of health benefits at the District’s expense. The employee’s FMLA rights continue unless and until the employee gives notice he or she no longer wishes to return to duty or the District actually denies restoration at the end of the leave period.
5. An employee who has received notice as set out at item 3 above is still entitled to request reinstatement at the end of the leave period. The District must then determine whether it will suffer substantial and grievous economic injury from reinstatement based on the facts at that time. If such a determination is made, the District shall notify the employee in writing (in person or by certified mail) of denial of restoration.

29 U.S.C. 2614(b); 29 CFR 825.216, 825.217, 825.219, 825.312(c)

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

FEDERAL LEAVE FOR
MILITARY SERVICE

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services (the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Services, and any other category of persons designated by the President in time of war or emergency) shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

1. The person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to the District (unless notice is precluded by military necessity or is otherwise unreasonable or impossible);
2. The cumulative length of the absence and of all previous absences from a position of employment with the District does not exceed five years; and
3. The person reports to or submits an application for reemployment to the District and complies with the appropriate procedural requirements that apply under the circumstances.

A person who is reemployed under this act is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

The District is not required to reemploy a person if:

1. The District's circumstances have so changed as to make reemployment impossible or unreasonable;
2. The reemployment of such person would impose an undue hardship on the District; or
3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

STATE LEAVE FOR
MEMBER OF MILITARY
OR RESCUE TEAM
SHORT TERM

All employees of the District who are members of the state military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue team shall be granted a paid leave of absence from their duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which they are engaged in authorized training or duty ordered or authorized by proper authority, not to exceed 15 workdays in a federal fiscal year. *Gov't Code 431.005(a), (b)*

CALLED TO DUTY

A member of the state military forces who is ordered to active state duty by the governor or other proper authority under state law is entitled to the same benefits and protections provided to persons performing service in the uniformed services under 38 U.S.C. 4301–4313 and 4316–4319 and to persons in the military service of the United States under 50 App. U.S.C. 501–536, 560, and 580–594, as those laws existed on April 1, 2003. *Gov't Code 431.017*

LONG TERM

Any employee, other than a temporary employee, who leaves a position with the District to enter active military service is entitled to be reemployed by the District in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position. *Gov't Code 613.001(3), 613.002*

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the District in a position that the employee can perform and that has like seniority, status, and pay as the former position or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

To be reemployed, a veteran of the military must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. Application must be made in writing to the Superintendent and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

“Military service” means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard or the Texas State Guard. *Gov't Code 613.001(2)*

USE OF PERSONAL
LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

The District may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

RELIGIOUS
OBSERVANCES

The District shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of District business. Such absence shall be without pay unless applicable paid local leave is available. *42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir.1984)*

COMPLIANCE WITH A
SUBPOENA

The District may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. *Labor Code 52.051(a)*

JURY DUTY

The District may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, the District shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror. *Education Code 22.006*

DEVELOPMENTAL
LEAVES OF ABSENCE

The Board may grant a developmental leave of absence for study, research travel, or other suitable purpose to an employee working in a position requiring a permanent teaching certificate who has served in the District at least five consecutive school years.

A developmental leave of absence may be granted for one school year at one-half regular salary or for one-half of a school year at full regular salary. Payment to the employee shall be made periodically by the District in the same manner, on the same schedule, and with the same deductions as if the employee were on full-time duty.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LEGAL)

An employee on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be an employee of the District for purposes of participating in programs, holding memberships, and receiving benefits afforded by employment in the District.

Education Code 21.452

ABSENCE CONTROL

Uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, a district that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez*, 937 S.W.2d 444 (Tex. 1996) (workers' compensation discrimination case); *Texas Division-Tranter, Inc. v. Carrozza*, 876 S.W.2d 312 (Tex. 1994) (workers' compensation discrimination case); *Swearingen v. Owens-Corning Fiberglas Corp.*, 968 F.2d 559 (5th Cir. 1992) (workers' compensation discrimination case); *Howell v. Standard Motor Prods., Inc.*, 2001 WL 912387 (N. D. Tex. Aug. 10, 2001) (Family and Medical Leave Act case); *Specialty Retailers v. DeMoranville*, 933 S.W.2d 490 (Tex. 1996) (age discrimination case); *Gonzalez v. El Paso Natural Gas Co.*, 40 F.E.P. Cases (BNA) 353 (Tex. App.—El Paso 1986, no pet.) (sex discrimination case)

[Some employees may have protected status even after the expiration of all other leave. See CRE and DAA.]

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LEGAL)

CLASSROOM SUPPLY REIMBURSEMENT	If funds are specifically appropriated or TEA identifies available funds, TEA shall establish a reimbursement program under which TEA provides funds to districts for the purpose of reimbursing classroom teachers and campus library media specialists who expend personal funds on classroom supplies.
USE OF FUNDS	<p>The District shall allow each classroom teacher and campus library media specialist in the District who is reimbursed under the reimbursement program to use the funds at the teacher's or specialist's discretion, except that the funds must be used for the benefit of the District's students.</p> <p>The District may allow, but not require, teachers and campus library media specialists to pool their respective supply monies for the purchase of an item, as long as the item meets the student benefit criteria established by the District.</p> <p><i>Education Code 21.414; 19 TAC 61.1081(d)(3)</i></p>
MAXIMUM REIMBURSEMENT	Total reimbursement to an individual teacher or campus library media specialist in a single year from the Classroom Supply Reimbursement Grant Program may not exceed \$200. Reimbursements from local funds may exceed the matching requirement (see below).
UNEXPENDED FUNDS	Funds for each grant period must be expended by the end of the grant period.
ELIGIBILITY REQUIREMENTS	<p>To be eligible to participate in the classroom supply reimbursement program, the District shall be required to:</p> <ol style="list-style-type: none">1. Reapply to participate each year;2. Account for funds in accordance with applicable state and federal requirements;3. Match any funds provided to the District under the reimbursement program with local funds to be used for the same purpose. The District may not use funds received under the reimbursement program to replace local funds used by the District for the same purpose. Local funds may be donated or otherwise provided to the District by community groups, parent/teacher organizations, businesses, professional organizations, and others.<ol style="list-style-type: none">a. "Local funds" are all funds over which the District exercises control or approval authority used to reimburse teachers for tangible items of direct benefit to students.b. Individual reimbursements from the Classroom Supply Reimbursement Grant Program must be matched with an equal amount of local funds.

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LEGAL)

4. Ensure that items purchased with grant funds are tangible items, of direct benefit to students. In order to participate in the classroom supply reimbursement program, the District's application must include a District policy that would ensure each teacher or campus library media specialist meets the requirement that an expenditure will benefit students;
5. Retain ownership of all durable goods purchased under this program. The District may develop a procedure allowing each teacher or campus library media specialist to retain ownership of goods of nominal value purchased with grant money; and
6. Return unexpended Classroom Supply Reimbursement Grant Program balances at the end of the state fiscal year for which they were awarded.

PENALTIES

A district found in noncompliance with TEA's rules regarding the Classroom Supply Reimbursement Grant Program must reimburse the state for funds unaccounted for or used for purposes not meeting the requirements of the statute.

A district found to have reduced its local expenditures may be required to refund the entire grant to the state.

DISPUTE
RESOLUTION AND
APPEALS

A determination by the Board of any dispute involving teacher or campus library media specialist reimbursement is final and may not be appealed to TEA, except as provided in Education Code 7.057. Nothing in this provision precludes TEA from recovering funds from the District pursuant to an audit.

A determination by TEA in the administration of this program is final and may not be appealed.

Note: TEA regulations under Education Code 21.214 expire September 1, 2007.

19 TAC 61.1081

TRAVEL SERVICES

An employee of the District who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f)*

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), DFBA and DFBB (Term Contracts), and DFCA (Continuing Contracts).

WITHHOLDING
INFORMATION

An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts), 21.156 (continuing contracts), and 21.211 (term contracts). *Education Code 26.008(b)*

DISCHARGE OF
CONVICTED
EMPLOYEES

The District shall discharge an employee if the District obtains information through a criminal history record information (CHRI) review that:

1. The employee 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, the District is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

1. The date of the offense is more than 30 years before June 15, 2007; and
2. The employee satisfied all terms of the court order entered on conviction.

CERTIFICATION TO
SBEC

Each school year, the Superintendent shall certify to the Commissioner that the District has complied with the above provisions.

SANCTIONS

The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has been convicted of an offense described above.

OPTIONAL
TERMINATION

The District may discharge an employee if the District obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the District. An employee so discharged is

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085 [See DBAA]

CERTAIN OFFENSES
AGAINST CHILDREN

A district that receives notice under Education Code 21.058(b) of the revocation of a certificate issued under Chapter 21, Subchapter B, shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and
2. As soon as practicable, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.

These removal and termination requirements apply only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender, and only if the victim of the offense is under 18 years of age.

Education Code 21.058

FAILURE OF
CERTIFICATION

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

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

DISTRICT'S
OPTIONS

After an employee receives notice that the employee's contract is void the District may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate.

An employee whose contract is void is not entitled to the minimum salary prescribed by Education Code 21.402.

NO APPEAL OR
CHAPTER 21
HEARING

The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision.

Education Code 21.0031

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

APPLICABILITY	These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. <i>Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)</i>
REPORT TO SBEC	In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent shall promptly notify SBEC in writing by filing a report within seven calendar days of the date the Superintendent first obtains or has knowledge of information indicating that:
CRIMINAL HISTORY	1. An applicant for or holder of a certificate issued by SBEC has a reported criminal history;
ASSESSMENT INSTRUMENT	2. The certificate holder engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301; or
RESIGNATION	3. The certificate holder resigned and reasonable evidence supports a recommendation by the Superintendent to terminate the educator based on a determination that the educator engaged in misconduct described in 4(a)–(f), below [see DFE];
TERMINATION	4. A certificate holder’s employment at the District was terminated based on a determination that the certificate holder: <ul style="list-style-type: none">a. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;b. 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.;c. Illegally transferred, appropriated, or expended funds or other property of the District;d. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation;e. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; orf. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.
DEFINITIONS	“Abuse” has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor.

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

“Solicitation of a romantic relationship” means deliberate or repeated acts that can be reasonably interpreted as soliciting a relationship characterized by an ardent emotional attachment or pattern of exclusivity. Acts that constitute the solicitation of a romantic relationship include:

1. Behavior, gestures, expressions, communications, or a pattern of communication with a student that is unrelated to the educator’s job duties and that may reasonably be interpreted as encouraging the student to form an ardent or exclusive emotional attachment to the educator, including statements of love, affection, or attraction. When evaluating whether communications constitute the solicitation of a romantic relationship, the following may be considered:
 - 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;
 - e. The extent to which the educator attempted to conceal the communications;
 - f. If the educator claims to be counseling a student, TEA staff 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 law enforcement agencies; and
 - g. Any other communications tending to show that the educator solicited a romantic relationship with a student.
2. Making inappropriate comments about a student’s body.
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.
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

8. Inappropriate hugging, kissing, or excessive touching.
9. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
10. Any other acts tending to show that the educator solicited a romantic relationship with the student, including providing the student with drugs or alcohol.

REPORTS

A superintendent who is required to file a report, but fails to timely do so, is subject to sanctions.

The Superintendent shall notify the Board of the District and the educator of the filing of the report.

IMMUNITY

A superintendent who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.

Education Code 21.006; 19 TAC 249.14

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

GUIDING PRINCIPLES	The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
DIRECT COMMUNICATION WITH BOARD MEMBERS	Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
NOTICE TO EMPLOYEES	The District shall inform employees of this policy.
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
WHISTLEBLOWER COMPLAINTS	Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]
COMPLAINTS AGAINST SUPERVISORS	Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.
COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]4. Complaints concerning instructional materials. [See EFA]5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]7. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term. [See DFAA, DFBA, or DFCA, respectively]
GENERAL PROVISIONS FILING	<p>Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
RESPONSE	<p>At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
DAYS	<p>"Days" shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

REPRESENTATIVE	<p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiled is within the designated time for filing a complaint.</p>

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two conference shall be audiotaped. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two complaint. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

Note: This policy addresses harassment of District employees. For legally referenced material relating to discrimination and retaliation, see DAA(LEGAL). For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

OFFICIAL
OPPRESSION

A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)*

HARASSMENT OF
EMPLOYEES

Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws. The District has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 CFR 1606.8(a), 1604.11*

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sun-downer Offshore Services, Inc., 523 U.S. 75 (1998)*

HOSTILE
ENVIRONMENT

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); Nat'l Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 CFR 1604.11, 1606.8

QUID PRO QUO

Conduct of a sexual nature also constitutes harassment when:

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 CFR 1604.11(a)

SAME-SEX SEXUAL
HARASSMENT

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

HARASSMENT POLICY

The District should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. *29 CFR 1604.11(f)*

CORRECTIVE ACTION

The District is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the District, its agents, or its supervisory employees knew or should have known of the conduct, unless the District takes immediate and appropriate corrective action. *29 CFR 1604.11(d), (e), 1606.8(d), (e)*

When no tangible employment action is taken, the District may raise the following affirmative defense:

1. That the District exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775, (1998)

Note: This policy addresses discrimination, harassment and retaliation involving District employees. In this policy, the term “employees” includes former employees and applicants for employment. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any employee in any of its programs, activities, services, or other operations on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. The District does not tolerate discriminatory behavior by its employees that may arise in any program or activity operated by the District. Retaliation against anyone involved in the complaint process is a violation of District policy.

DISCRIMINATION

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

HARASSMENT

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

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment or employment opportunities.

EXAMPLES

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

SEXUAL
HARASSMENT

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

RETALIATION

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

EXAMPLES

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

PROHIBITED
CONDUCT

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING
PROCEDURES

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

DEFINITION OF
DISTRICT OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

TITLE IX COORDINATOR	<p>Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:</p> <p>Name: Debra Hart</p> <p>Position: Director of Student Services</p> <p>Address: 200 South Denton Tap Road, Coppell, TX 75019</p> <p>Telephone: (214) 496-8081</p>
ADA / SECTION 504 COORDINATOR	<p>Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:</p> <p>Name: Melody Paschall</p> <p>Position: Executive Director of Intervention Services</p> <p>Address: 268 Southwestern Blvd., Coppell, TX 75019</p> <p>Telephone: (214) 496-6955</p>
SUPERINTENDENT	<p>The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.</p>
ALTERNATIVE REPORTING PROCEDURES	<p>An employee shall not be required to report prohibited conduct to the person alleged to have committed it. 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	<p>Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.</p>
NOTICE OF REPORT	<p>Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.</p>

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

COUNSELING

The District's campus-level counselor shall provide counseling for its employees who are either victims or offenders in incidents involving harassment.

INVESTIGATION OF
THE REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

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 official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, 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.

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, 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 be filed with the District official overseeing the investigation.

DISTRICT ACTION

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

- 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 complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.
The complainant may have a right to file a complaint with appropriate state or federal agencies.
- RECORDS RETENTION Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]
- ACCESS TO POLICY This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

STAFF DEVELOPMENT	Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee [see BQB].
TRAINING SPECIFICS	<p>The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.</p> <p>The staff development may include:</p> <ol style="list-style-type: none">1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;2. Training that relates to instruction of students with disabilities and is designed for educators who work primarily outside the area of special education; and3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school. <p><i>Education Code 21.451</i></p> <p>The District may use District-wide staff development that has been developed and approved through the District-level decision process. <i>Education Code 21.452(c)</i></p>
SPECIAL PROGRAMS TRAINING	A district that receives assistance under Title I shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the state content standards, to enable all children to meet the state's student performance standards; and shall meet the requirements of federal law. <i>20 U.S.C. 6320(a), 7801(34)</i>
TITLE I STAFF DEVELOPMENT	
GIFTED AND TALENTED EDUCATION	<p>The District shall ensure that:</p> <ol style="list-style-type: none">1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

ADULT EDUCATION

All adult education staff shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program.

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

Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of in-service professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience. *19 TAC 89.25(a)(4)(B)*

EXCEPTIONS

The in-service professional development requirements may be reduced by local programs in individual cases where exceptional circumstances prevent employees from completing the required hours of in-service professional development. Documentation justifying such circumstances must be kept. Requests for exemption in individual cases may be submitted to TEA for approval in the application for funding and must include justification and proposed qualification. *19 TAC 89.25(a)(5)*

VOLUNTEERS

The above requirements also apply to volunteers who generate student contact time that is accrued by the adult education program and reported to TEA for funding purposes. *19 TAC 89.25(7)*

RECORDS

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

AUTOMATED
EXTERNAL
DEFIBRILLATORS

The District shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the Commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction;

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

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

Education Code 22.902

EXTRACURRICULAR
ACTIVITY SAFETY
TRAINING

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

1. A coach, trainer, or sponsor for an extracurricular athletic activity;
2. A physician who is employed by the District or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and
3. A director responsible for a school marching band.

The training may be conducted by the District, the American Red Cross, the American Heart Association, or a similar organization, or by the UIL.

Education Code 33.202(b), (f)

RECORDS

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

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

Education Code 33.206

STEROIDS

The District shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the University Interscholastic League (UIL) complete:

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

Education Code 33.091(c-1)

RESOURCES FOR
STAFF DEVELOPMENT

If the District receives resources from the Commissioner's staff development account, it must pay to the Commissioner for deposit in

the account an amount equal to one-half of the cost of the re-
sources provided to the District. *Education Code 21.453*

PERSONNEL POSITIONS
SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

DPB
(LEGAL)

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA(LEGAL)]

Education Code 21.057

CRIMINAL HISTORY
REVIEW

The District shall obtain all criminal history record information that relates to a substitute teacher for the District or shared services arrangement through the Department of Public Safety's criminal history clearinghouse. [See DBAA] *Education Code 22.0836*

INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION
TEXTBOOK SELECTION AND ADOPTION

EFAA
(LEGAL)

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

STATE TEXTBOOK LISTS	For each subject and grade level, the State Board of Education (SBOE) shall adopt two lists of textbooks: conforming and nonconforming:
CONFORMING LIST	1. The conforming list includes each textbook that meets applicable physical specifications and contains material covering each element of the essential knowledge and skills of the subject and grade level.
NONCONFORMING LIST	2. The nonconforming list includes each textbook that meets the applicable physical specifications and contains material covering at least half, but not all, of the elements of the essential knowledge and skills.
	<i>Education Code 31.023</i>
SUPPLEMENTAL TEXTBOOK LIST	The SBOE may adopt supplemental textbooks that are not on the conforming or nonconforming lists. A supplemental textbook contains material covering one or more primary focal points or primary topics of a subject in the required curriculum but is not designed to serve as the sole textbook for a full course. <i>Education Code 31.035(a), (b)</i>
LOCAL SELECTION	Each year, during a period established by the SBOE, the Board shall select textbooks for subjects in the foundation and enrichment curricula. <i>Education Code 31.101(a)</i>
POLICY	The Board shall adopt a policy for selecting instructional materials. Final selections must be recorded in Board minutes. <i>19 TAC 66.104(a)</i>
FOUNDATION TEXTBOOKS	The Board shall select textbooks for a subject in the foundation curriculum from either the conforming list or the nonconforming list. <i>Education Code 31.101(a)(1)</i> The Board may select a supplemental textbook adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects a supplemental textbook for a course in the foundation curriculum, the District shall certify to TEA that the supplemental textbook, in combination with any other textbooks or supplemental textbooks used by the District, cover the essential knowledge and skills for the course. <i>Education Code 31.035(d), (f)</i>
ENRICHMENT TEXTBOOKS	The Board may select textbooks for courses in the enrichment curriculum from the conforming list or the nonconforming list, or it may

INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION
TEXTBOOK SELECTION AND ADOPTION

EFAA
(LEGAL)

	select books that do not appear on either list (nonadopted materials). <i>Education Code 31.101(a)(2)</i>
BRaille / LARGE-TYPE	The District is responsible for providing Braille and/or large-type versions of nonadopted enrichment materials. <i>19 TAC 66.104(d)</i>
SPECIAL EDUCATION	Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. <i>19 TAC 66.104(m)</i>
DURATION OF SELECTION	Once instructional materials have been requisitioned and delivered, including nonadopted materials, the District shall continue to use those materials during the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the materials are used. <i>Education Code 31.101(d); 19 TAC 66.104(f), (j)</i>
REPORT	By April 1 of each year, the District shall transmit a report to TEA listing the instructional materials selected for use in the District. Selections certified to TEA are final and, therefore, not subject to reconsideration during the original contract period or readoption contract periods covering the instructional materials selected. <i>19 TAC 66.104(g), (h)</i>
CRIMINAL OFFENSE	<p>A Trustee, administrator, or teacher commits an offense if the person receives any commission or rebate on any textbooks used in the schools with which the person is associated.</p> <p>A Trustee, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:</p> <ol style="list-style-type: none">1. Is given to the person or the person's school;2. Might reasonably tend to influence the person in the selection of a textbook; and3. Could not be lawfully purchased with funds from the state textbook fund. <p>"Gift, favor, or service" does not include:</p> <ol style="list-style-type: none">1. Staff development, in-service, or teacher training; or2. Instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process. <p><i>Education Code 31.152</i></p>

INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION
TEXTBOOK SELECTION AND ADOPTION

EFAA
(LEGAL)

ANCILLARY
MATERIALS

Selection and use of ancillary materials is at the discretion of the Board. *19 TAC 66.104(p)*

HUMAN SEXUALITY
MATERIALS

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

INSTRUCTIONAL RESOURCES
LIBRARY MEDIA PROGRAMS

EFB
(LEGAL)

STANDARDS In developing, implementing, or expanding library services, the District shall consider the standards adopted by the Texas State Library and Archives Commission, in consultation with the State Board of Education.

JOINT FACILITIES The District may enter into contracts with a county or municipality in which the District is located to provide joint library facilities. The Board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly.

Education Code 33.021, 33.022

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

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

GRADES 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. *19 TAC 74.3(a)*

PHYSICAL ACTIVITY
REQUIREMENTS

Beginning with the 2008–09 school year, the District shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the District's physical education curriculum.

The District may as an alternative require a student enrolled in a grade level for which the District uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

The District must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the Commissioner.

The Commissioner may adopt rules permitting an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club.

Education Code 28.002(l), (l-1)

HIGH SCHOOL
COURSES AT EARLIER
GRADES

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

GRADES 9–12
COURSE OFFERINGS

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

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

1. English language arts — English I, II, III, IV.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, and Physics. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since Reconstruction, World History Studies, United States Government, and World Geography Studies.
5. Economics — Economics with Emphasis on the Free Enterprise System and Its Benefits.

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

6. Physical education — Foundations of Personal Fitness and at least two of the following:
 - a. Adventure/Outdoor Education;
 - b. Aerobic Activities;
 - c. Individual Sports; or
 - d. Team Sports.
7. Health education — Health I.

Beginning with the 2008–09 school year, the District shall use the parenting and paternity awareness program developed by the State Board of Education in its high school health curriculum. In high schools that do not have a family violence prevention program, the program must address skills relating to the prevention of family violence. *Education Code 28.002(p)*
8. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
 - a. Art I, II, III, IV;

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

- b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or
 - d. Dance I, II, III, IV.
9. Career and technology education, taught on a campus in the District with provisions for contracting for additional offerings with programs or institutions as may be practical [see EEL] — courses selected from at least three of the eight career and technology areas, as follows:
- a. Agricultural science and technology education;
 - b. Business education;
 - c. Career orientation;
 - d. Health science technology education;
 - e. Family and consumer sciences education/home economics education;
 - f. Technology education/industrial technology education;
 - g. Marketing education; and
 - h. Trade and industrial education.
10. Languages other than English — Levels I, II, and III or higher of the same language.
11. Technology applications — at least four courses selected from Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications.
12. Speech — Communications Applications.

19 TAC 74.3(b)(2)

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

The District shall teach any course a student is required to take for graduation or any course in which ten or more students indicate they will participate. For those courses in which fewer than ten students indicate that they will participate, the District shall either

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

teach the course or use alternate delivery systems, as described in 19 TAC, Chapter 74, Subchapter C, to provide the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

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

RESEARCH WRITING
COMPONENT

For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

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(LEGAL)

COMPENSATORY
EDUCATION
ALLOTMENT

The District is entitled to an annual compensatory education allotment for each student:

1. Who is educationally disadvantaged; or
2. Who does not have a disability and resides in a residential placement facility in the district in which the student's parent or legal guardian does not reside.

The number of educationally disadvantaged students is determined by the formula set forth at Education Code 42.152(b).

Education Code 42.152(a)–(b)

USE

The District shall use its compensatory education allotment to fund supplemental programs and services designed to eliminate any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at-risk of dropping out of school, as defined below, and all other students.

Specifically, the District may use the funds, other than an indirect cost allotment established by State Board rule, to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Education Code 29.081, a disciplinary alternative education program under Education Code 37.008, or to support a Title I program [see EHBD], at a campus at which at least 40 percent of the students are educationally disadvantaged.

The District may also use allocated funds for:

1. A mentoring services program under Education Code 29.089;
2. An accelerated reading instruction program under Education Code 28.006(g);
3. A program for treatment of students who have dyslexia or a related disorder, as required by Education Code 38.003; and
4. A program under Education Code 29.081 specifically designed to serve students at risk of dropping out of school.

Education Code 42.152(c), (c-1), (c-2)

LIMIT ON DAEP
EXPENDITURES

The District may not use more than 18 percent of its compensatory education allotment for disciplinary alternative education programs.

The Commissioner may waive this limitation upon an annual petition, by the District's Board and site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs.

Education Code 42.152(c)(1)–(2)

DEFINITION OF AT-
RISK STUDENT

“Student at risk of dropping out of school” includes each student who is under 21 years of age and who:

1. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
2. If the student is in grades 7–12 did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Was not advanced from one grade level to the next for one or more school years;
4. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
5. Is pregnant or is a parent;
6. Has been placed in a disciplinary alternative education program during the preceding or current school year;
7. Has been expelled during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;
11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in the District,

including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

Education Code 29.081(d)

LOCAL ELIGIBILITY CRITERIA	In addition to students described above, a student who satisfies local eligibility criteria adopted by a Board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the District during the preceding school year. <i>Education Code 29.081(g)</i>
COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION	The District shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the District's schools that enable the students to perform at grade level at the conclusion of the next regular school term. <i>Education Code 29.081(a)</i>
ACCELERATED INSTRUCTION	The District shall provide accelerated instruction to enrolled students who have not performed satisfactorily on each section of the secondary exit-level assessment instrument or who are at risk of dropping out of school. <i>Education Code 29.081(b)</i>
EFFECTIVENESS	The District shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other District students. <i>Education Code 29.081(c)</i>
DROPOUT RECOVERY EDUCATION PROGRAMS	<p>The District may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must meet the criteria set forth at Education Code 29.081(e)(1)–(5).</p> <p>Students in attendance at a dropout recovery education program shall be included in the District's average daily attendance for funding purposes.</p> <p><i>Education Code 29.081(f)</i></p>
OPTIONAL EXTENDED-YEAR PROGRAM	The District may set aside an amount from its compensatory education allotment or may apply to TEA for funding of an extended-year program (OEYP), for a period not to exceed 30 instructional days for students:

SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

EHBC
(LEGAL)

1. In kindergarten through grade 11, who are identified as not likely to be promoted to the next grade level for the succeeding school year; or
2. In grade 12, who are identified as not likely to graduate from high school before the beginning of the succeeding school year.

POLICY If the District provides an OEYP, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

PROGRAM CRITERIA An OEYP must meet the requirements set forth at Education Code 29.082 and 19 TAC 105.1001.

PROMOTION OF STUDENT A student who attends at least 90 percent of the program days and who satisfies the requirements for promotion at Education Code 28.021 shall be promoted or retained in accordance with Education Code 29.082(e).

TRANSPORTATION The District shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services. [See EIE and FDC]

Education Code 29.082; 19 TAC 105.1001

OPTIONAL FLEXIBLE YEAR PROGRAM The District may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level.

PROGRAM CRITERIA An OFYP must meet the requirements set forth at Education Code 29.0821 and 19 TAC 61.1017.

Education Code 29.0821; 19 TAC 61.1017

OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM Notwithstanding Education Code 25.081 (school year) or 25.082 (school day) [see EB and EC], the District may apply to the Commissioner to provide a flexible school day program (OFSDP) for students in grades 9 through 12.

PROGRAM CRITERIA A district that meets application requirements may:

1. Provide flexibility in the number of hours each day a student attends;
2. Provide flexibility in the number of days each week a student attends; or
3. Allow a student to enroll in less than or more than a full course load.

A course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of instructional days under Education Code section 25.081 and the required length of school day under Education Code section 25.082.

STUDENT
ELIGIBILITY

The District may provide an OFSDP for students who:

1. Have dropped out of school or are at risk of dropping out of school, as defined above at Definition of AT-RISK STUDENT; or
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the Commissioner.

FUNDING

Funding for an optional flexible school day program shall be based on the number of instructional days in the District calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours required shall be proportionately reduced for funding purposes.

Education Code 29.0822

TUTORIAL SERVICES

The District may provide tutorial services at District schools. If the District provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials.

The District may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

BASIC SKILLS
PROGRAMS

The District may apply to the Commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the Commissioner.

With the consent of a student's parent or guardian, the District may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086

SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

EHBC
(LEGAL)

AFTER-SCHOOL AND
SUMMER INTENSIVE
MATHEMATICS AND
SCIENCE

The District may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the District.

Before providing a program, the Board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the District that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, 29.090; 19 TAC 102.1041

MENTORING
SERVICES PROGRAM

The District may provide a mentoring services program to students at risk of dropping out of school. The Board may arrange for any public or nonprofit community-based organization to come to the District's schools and implement the program.

The Board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

ACCELERATED
READING
INSTRUCTION
PROGRAM

The District shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results

SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

EHBC
(LEGAL)

[see EKC], to be at risk for dyslexia or other reading difficulties. The District shall determine the form, content, and timing of the program.

The District shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

LIMITATION

The District may implement an accelerated reading instruction program only if the Commissioner certifies that funds have been appropriated during a school year for administering the program.

Education Code 28.006(f), (g), (g-1), (k)

INTENSIVE PROGRAM
OF INSTRUCTION

The District shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument.

STATE
ASSESSMENTS

The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by the District and reported by the District to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211.

GRADUATION
REQUIREMENTS

The District shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

NO CAUSE OF
ACTION

The District's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

Education Code 28.0213

TITLE III REQUIREMENTS A district that receives funds under Title III of the No Child Left Behind Act shall comply with the statutory requirements regarding limited English proficient (LEP) and immigrant students. *20 U.S.C. 6801-7014*

STATE POLICY It is the policy of the State that every student who has a home language other than English and who is identified as LEP shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

DISTRICT RESPONSIBILITY Each district shall:

1. Identify LEP students based on criteria established by the State;
2. Provide bilingual education and ESL programs, as integral parts of the regular program;
3. Seek certified teaching personnel to ensure that LEP students are afforded full opportunity to master the essential knowledge and skills; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code chapter 39 to ensure accountability for LEP students and the schools that serve them.

Education Code 29.051; 19 TAC 89.1201(a)

IDENTIFICATION OF LEP STUDENTS Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES (LPAC) Each district that is required to offer bilingual and special language programs shall, by local Board policy, establish a language proficiency assessment committee (LPAC). The District shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of LEP students. The District shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

MEMBERSHIP OF LPAC The LPAC shall include:

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

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

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

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

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

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

DUTIES

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 TAC 89.1220(g)–(j), (l).

HOME LANGUAGE
SURVEY

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

If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 TAC 89.1225 or, for students with disabilities, 19 TAC 89.1230.

Education Code 29.056(a); 19 TAC 89.1215

LEP
CLASSIFICATION

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;

3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

PARENTAL NOTICE
AND CONSENT

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. The notice must be in English and in the parent's primary language. The notice shall inform the parents of the benefits of the program for which the student is recommended and that it is an integral part of the school program.

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

Education Code 29.056(a), (d); 19 TAC 89.1220(k)

PARTICIPATION OF
NON-LEP
STUDENTS

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

BILINGUAL AND ESL
PROGRAMS

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

1. Kindergarten through elementary grades: the District shall offer bilingual education.
2. Post-elementary through grade 8: the District shall offer bilingual education, ESL, or other transitional language instruction approved by TEA.
3. Grades 9 through 12: the District shall offer instruction in ESL.

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

Education Code 29.053(c), (d), 29.054

PROGRAM
CONTENT

The District's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills.

An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

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

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

Education Code 29.055, 29.057(b); 19 TAC 89.1010(g)

FACILITIES

Bilingual education and special language programs shall be located in the District's regular schools rather than in separate facilities. The District may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent LEP students. *Education Code 29.057; 19 TAC 89.1235*

COOPERATION
AMONG DISTRICTS

The District may join with one or more other districts to provide the required bilingual and special education programs. The availability of the programs shall be publicized throughout the districts involved.

The District may allow a nonresident LEP student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district of residence.

Education Code 29.059

SUMMER PROGRAM	<p>If the District is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.</p> <p>A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.</p> <p>The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The District shall comply with the requirements of 19 TAC 89.1250 in providing such a program.</p>
OTHER PROGRAM	<p>The District may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.</p> <p>Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.</p> <p><i>Education Code 29.060</i></p>
PERSONNEL	<p>Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. <i>Education Code 29.061(b), (c)</i></p> <p>If the District is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the District may file an application for exception with TEA, in accordance with 19 TAC 89.1207.</p> <p><i>Education Code 29.054; 19 TAC 89.1207</i></p>
LEP STUDENTS AND STATE ASSESSMENTS	<p>In grades 3–12, an LEP student shall participate in the assessment of academic skills in accordance with Commissioner’s rules at 19 TAC Chapter 101, subchapter AA. <i>19 TAC 101.5(d)</i> [See EKB]</p>
PROGRAM EXIT	<p>The District may transfer an LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:</p> <ol style="list-style-type: none"><li data-bbox="560 1728 1438 1860">1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

NOTICE TO
PARENTS

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

POST-EXIT
MONITORING

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

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

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

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

Education Code 29.0561

PEIMS REPORTING
REQUIREMENTS

A district that is required to offer bilingual education or special language programs shall include the following information in the Dis-

trict's Public Education Information Management System (PEIMS)
report:

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

Education Code 29.066

ACADEMIC ACHIEVEMENT
CLASS RANKING

EIC
(LEGAL)

AUTOMATIC
ADMISSION TO
INSTITUTION OF
HIGHER EDUCATION

Each general academic teaching institution [see Education Code 61.003(3)] shall admit an applicant for admission as an undergraduate student if the applicant:

1. Graduated with a grade point average in the top ten percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission [see CLASS RANK, below];
2. Graduated from a public high school in Texas accredited by a generally recognized accrediting organization;
3. Successfully completed the Recommended or Advanced/Distinguished Achievement High School Program, or satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and
4. Submitted an application before the institution's application filing deadline.

Education Code 51.803(a); 19 TAC 5.5(b)

An applicant who does not satisfy the curriculum requirements for the Recommended or Advanced/Distinguished Achievement High School Program is considered to have satisfied those requirements if the student completed the portion of the Recommended or Advanced curriculum that was available to the student but was unable to complete the remainder solely because the necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control. A student's transcript or diploma must, not later than the student's junior year, indicate the student's progress toward satisfying the curriculum requirements [see EI]. *Education Code 51.803(b), (c)*

SIGNS TO BE
POSTED

The Board shall require each high school in the District to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of the automatic admission provisions above. *Education Code 28.026*

DISSEMINATION

To assist in dissemination of information regarding the automatic admissions program, the District shall:

1. Require that each high school counselor and class advisor be provided a detailed explanation of the substance of the program;

ACADEMIC ACHIEVEMENT
CLASS RANKING

EIC
(LEGAL)

2. Require that each high school counselor and senior class advisor explain to eligible students the substance of the program; and
3. Provide each eligible senior student, at the commencement of a class's senior year, with a written notification of the student's eligibility with a detailed explanation of the substance of the program.

Education Code 28.026

CLASS RANK

High school rank for students seeking automatic admission to a general teaching institution on the basis of their class rank is determined and reported as follows:

1. Class rank shall be based on the end of the eleventh grade, middle of the twelfth grade, or at high school graduation, whichever is most recent at the application deadline.
2. The top ten percent of a high school class shall not contain more than ten percent of the total class size.
3. The student's rank shall be reported by the applicant's high school or District as a specific number out of a specific number total class size.
4. Class rank shall be determined by the Texas school or school district from which the student graduated or is expected to graduate.

19 TAC 5.5(d)

CERTAIN
PROGRAMS

If the program meets the requirements of Education Code 51.8045, the Board may treat a high school magnet program, academy, or other special program conducted by the District at a high school attended by high school students who are not in the special program as an independent high school with its own graduating class for purposes of Education Code 51.803 and 51.804 only (top ten percent rule). *Education Code 51.8045*

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

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

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

POSTHUMOUS
DIPLOMA

Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student’s parent, the District shall issue a high school diploma posthumously to a student who died while enrolled in the District at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died. “School year” includes any summer session following the spring semester.

EXCEPTION

The District is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

DIPLOMA /
TRANSCRIPT /
CERTIFICATE OF
COURSEWORK
COMPLETION

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

SPECIAL
EDUCATION
STUDENTS

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

PERSONAL
GRADUATION
PLAN (PGP)

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

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

A PGP must:

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

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

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

1. Promotes college and workforce readiness;
2. Promotes career placement and advancement; and
3. Facilitates the student's transition from secondary to postsecondary education.

Education Code 28.0212

EARLY GRADUATION

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

STATE GRADUATION
REQUIREMENTS

All credit for graduation must be earned no later than grade 12. *19 TAC 74.41(b), 74.51(b), 74.61(b)*

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

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

NINTH GRADERS IN 2001–02 THROUGH 2003–04	A student entering grade 9 in the 2001–02, 2002–03, or 2003–04 school year must complete the requirements of the Minimum High School Program, the Recommended High School Program, or the Advanced/Distinguished Achievement High School Program. <i>19 TAC 74.41(c), 74.42–.44</i>
NINTH GRADERS IN 2004–05 AND THEREAFTER	The District shall ensure that each student entering the ninth grade in the 2004–05 school year and thereafter enrolls in the courses necessary to complete the Recommended or Advanced/Distinguished Achievement High School Program unless the student, the student’s parent or other person standing in parental relation to the student, and a school counselor or school administrator agree that the student should be permitted to take courses under the Minimum High School Program. <i>Education Code 28.025(b); 19 TAC 74.51(d), 74.52–.54, 74.61(c)</i>
MINIMUM HIGH SCHOOL PROGRAM	A student must earn at least 22 credits to complete the Minimum High School Program. A student must demonstrate proficiency in the program requirements listed at 19 TAC 74.11. <i>19 TAC 74.42, 74.52</i>
RECOMMENDED HIGH SCHOOL PROGRAM	A student entering grade 9 in the 2007–08 school year or thereafter must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 TAC 74.63. <i>19 TAC 74.63</i>
ADVANCED / DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM	A student entering grade 9 in the 2007–08 school year or thereafter must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 TAC 74.64. <i>19 TAC 74.64</i>
SUBSTITUTIONS	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.43(d), 74.44(e), 74.53(d), 74.54(e)</i>
AP OR IB COURSES	College Board Advanced Placement and International Baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.41(g), 74.51(h)</i>
READING	The District may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the District: <ol style="list-style-type: none">1. Adopts policies to identify students in need of additional reading instruction;

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

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

19 TAC 74.41(d), 74.51(e), 74.61(e)

PHYSICAL
EDUCATION
SUBSTITUTIONS

The Board may allow a student to substitute certain physical activities for the one and one-half required credits of physical education, including the one-half credit of Foundations of Personal Fitness. The substitutions must be based on the physical activity involved in drill team, marching band, and cheerleading during the fall semester; Junior Reserve Officer Training Corps (JROTC); athletics; Dance I-IV; and two- or three-credit career and technology work-based training courses. *19 TAC 74.11(d)(7)(A)*

PRIVATE OR
COMMERCIALY
SPONSORED
PHYSICAL ACTIVITY
PROGRAMS

In accordance with local District policy, the Board may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus. The District must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. *19 TAC 74.52(b)(7)(C), 74.53(b)(7)(C), 74.54(b)(7)(C), 74.63(b)(7), 74.64(b)(7)*

TRANSFERS FROM
OUT-OF-STATE OR
NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 TAC 74.26. *19 TAC 74.11(f), 74.51(f), 74.61(f)* [See EEJA, EEJB, EEJC, EHDE, and EI]

GRADUATION OF
SPECIAL EDUCATION
STUDENTS

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

COMPLETION OF
GENERAL
EDUCATION
REQUIREMENTS

1. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements applicable to students in general education for graduation under the Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance on the exit-level assessment instrument; or
2. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit

requirements applicable to students in general education for graduation under the Minimum High School Program, including participation in state assessments. The student's admission, review, and dismissal (ARD) committee shall determine whether satisfactory performance on a required state assessment shall also be required for graduation.

19 TAC 89.1070(b)

COMPLETION OF
IEP

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

1. The student's IEP;
2. One of the following conditions, consistent with the student's IEP:
 - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - b. Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District; or
 - c. Access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program;
3. The state's or District's (whichever is greater) minimum credit requirements for students without disabilities; and
4. The state's or District's minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

The ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(c), (h)

AGING OUT

A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee's determination that the student no longer meets age eligibility

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

requirements and has completed the requirements specified in the IEP. *19 TAC 89.1070(d)*

EVALUATION

Special education students graduating under the above provisions shall be provided with a summary of academic achievement and functional performance as described at 34 CFR 300.305(e)(3). The summary shall consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. If the student is graduating based on completion of his or her IEP, the evaluation under 34 CFR 300.305(e) shall be included as part of the summary. Students who participate in graduation ceremonies but who are not graduating and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(e), (f)*

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

SECTION F: STUDENTS

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

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SECTION F: STUDENTS

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

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

The District does not discriminate in any of its programs, activities, services, and other operations on the basis of race, color, or national origin. The District does not tolerate discriminatory behavior by its students, including racial slurs, or racial harassment that may arise in any program or activity operated by the District.

The District's campus-level counselor shall provide counseling for students who are either victims or offenders in incidents involving racial harassment.

TITLE IX
COORDINATOR

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

Name: Debra Hart
Position: Director of Student Services
Address: 200 South Denton Tap Road, Coppell, TX 75019
Telephone: (214) 496-8081

SECTION 504
COORDINATOR

The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Melody Paschall
Position: Executive Director of Intervention Services
Address: 268 Southwestern Blvd., Coppell, TX 75019
Telephone: (214) 496-6955

SUPERINTENDENT

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

COMPLAINTS

Allegations of unlawful discrimination, prohibited harassment, including sexual harassment, or retaliation shall be made according to FFH(LOCAL).

RECORDS
RETENTION

Copies of reports alleging discrimination, prohibited harassment, including sexual harassment, and retaliation; investigation reports; and related records shall be maintained by the District for a period of at least three years. If the person alleged to have experienced discrimination, prohibited harassment, or retaliation was a minor, the records shall be maintained until the person reaches the age of 21.

SECTION 504
COMMITTEE

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA). [See EHBA]

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

	<p>The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.</p>
REFERRALS	<p>A student may be referred by parents, teachers, counselors, administrators, or any other District employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.</p>
PARENTAL CONSENT	<p>The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.</p>
NOTICE TO PARENTS	<p>Parents shall be given written notice of the District's refusal to evaluate a student or to provide specific aids and services the parents have requested.</p>
PREPLACEMENT EVALUATION	<p>The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.</p>
IMPARTIAL HEARING	<p>Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney.</p>
STATE-MANDATED ASSESSMENTS	<p>Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA. [See EKB]</p>

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. For provisions regarding bullying, see FFI.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, in any of its programs, activities, services, or other operations, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. The District does not tolerate discriminatory behavior by its students that may arise in any program or activity operated by the District. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, 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, gender, national origin, disability, 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 or intimidating 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.

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.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

DATING VIOLENCE Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.

Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

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.

RETALIATION The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

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, is subject to appropriate discipline.

EXAMPLES Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances, such as negative comments that are justified by a student's performance in the classroom.

PROHIBITED CONDUCT 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.

REPORTING PROCEDURES Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced pro-

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

hibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Alternatively, a student may report prohibited conduct directly to one of the District officials below:

DEFINITION OF
DISTRICT
OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the Section 504 coordinator, and the Superintendent.

TITLE IX
COORDINATOR

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Debra Hart

Position: Director of Student Services

Address: 200 South Denton Tap Road, Coppell, TX 75019

Telephone: (214) 496-8081

SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the Section 504 coordinator. The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Melody Paschall

Position: Executive Director of Intervention Services

Address: 268 Southwestern Blvd., Coppell, TX 75019

Telephone: (214) 496-6955

SUPERINTENDENT

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

ALTERNATIVE
REPORTING
PROCEDURES

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 Section 504 coordinator, may be directed to the Superintendent.

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.

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 promptly report may impair the District's ability to investigate and address the prohibited conduct.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

NOTICE OF REPORT	Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.
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	<p>The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.</p> <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 official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus 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, 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.</p>
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, 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.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p>
DISTRICT ACTION	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

	<p>The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p>
COUNSELING	<p>The District's campus-level counselor shall provide counseling for its students who are either victims or offenders in incidents involving harassment. [See DH, DHB, DIA(LOCAL) for employees]</p>
CONFIDENTIALITY	<p>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.</p>
APPEAL	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
RECORDS RETENTION	<p>Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).</p>
ACCESS TO POLICY	<p>Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.</p>

Note: This policy addresses bullying of District students. For provisions regarding discrimination, harassment, and retaliation involving District students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

BULLYING
PROHIBITED

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

DEFINITION

Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that:

1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

EXAMPLES

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.

TIMELY REPORTING

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.

REPORTING
PROCEDURES

Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. A report may be made orally or in writing.

NOTICE OF REPORT

Any District employee who receives notice that a student has or may have experienced bullying shall immediately notify the campus principal or designee.

INVESTIGATION OF
REPORT

If a report is made orally, the campus principal or designee shall reduce the report to written form.

The campus principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, and if so proceed under that policy instead.

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
(LOCAL)

	<p>The campus principal or designee shall conduct an appropriate investigation based on the allegations in the report. The campus principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.</p>
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the campus principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The campus principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred, and send a copy to the Superintendent or designee.</p>
DISTRICT ACTION	<p>If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]</p> <p>The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this policy.</p>
CONFIDENTIALITY	<p>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.</p>
APPEAL	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.</p>
RECORDS RETENTION	<p>Retention of records shall be in accordance with CPC(LOCAL).</p>
ACCESS TO POLICY	<p>Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.</p>

STUDENT RECORDS

FL
(LOCAL)

COMPREHENSIVE
SYSTEM

The Superintendent or designee shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school personnel.

CUMULATIVE RECORD

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See GBA]

CUSTODIAN OF
RECORDS

The principal is custodian of all records for currently enrolled students. The director of records management is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

TYPES AND
LOCATIONS OF
EDUCATION
RECORDS

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]
 - c. Immunization records. [See FFAB]
6. Attendance records.

7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Other records that may contribute to an understanding of the student.

REQUEST
PROCEDURES

The cumulative record shall be made available to the parent. Records may be reviewed during regular school hours upon written request to the record custodian. The record custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and the records shall be restricted to use only in the Superintendent's, principal's, or counselor's office, or other restricted area designated by the record custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

STUDENT RIGHTS

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.

ACCESS BY SCHOOL
OFFICIALS

For the purposes of this policy, "school officials" shall mean any employees, trustees, or agents of the District, of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of students with disabilities. The term also includes attorneys; consultants; independent contractors who are retained by the District, by cooperatives of which the District is a member, or by facilities with which the District contracts for placement of students with disabilities; and parents or students serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

STUDENT RECORDS

FL
(LOCAL)

School officials have a "legitimate educational interest" in a student's records when they are working with the student; considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities; compiling statistical data; reviewing an education record to fulfill the official's professional responsibility; or investigating or evaluating programs.

ACCESS BY PARENTS

Parents may be denied copies of records after the student reaches age 18 and is no longer a dependent for tax purposes, when the student is attending an institution of postsecondary education, or if they fail to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record shall be provided at no charge.

FEEES FOR COPIES

Copies of records are available at a per copy cost, payable in advance, as specified in the annual notice to parents of their privacy rights.

TRANSCRIPTS AND
TRANSFERS OF
RECORDS

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

The District shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll.

RECORDS
RESPONSIBILITY FOR
STUDENTS IN
SPECIAL EDUCATION

The official responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education shall be the executive director of intervention services.

A current listing of names and positions of persons who have access to records of students in special education is maintained at Brock Center, 268 Southwestern Blvd., Coppell, TX 75019.

PROCEDURE TO
AMEND RECORDS

Within 15 school days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten school days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence, and at their own expense, may be assisted or represented at the hearing.

STUDENT RECORDS

FL
(LOCAL)

The parents shall be notified of the decision in writing within ten school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

DIRECTORY
INFORMATION

The District has designated the following categories of information as directory information: student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; student rosters and class lists; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

STUDENT ACTIVITIES

FM
(LEGAL)

APPLICABILITY OF UIL
RULES AND DISTRICT
POLICIES

A student enrolled in the District or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to District policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of the Board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

ATHLETIC ACTIVITIES
UIL FORMS

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation — Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

NOTICES

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the Commissioner maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201–33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), 33.208

SAFETY TRAINING

The District shall provide training to students participating in athletic extracurricular activities related to:

1. Recognizing the symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
2. The risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

The training may be conducted by the District, the American Red Cross, the American Heart Association, or a similar organization, or by the UIL.

Education Code 33.202(d), (e)

RECORDS

The Superintendent shall maintain complete and accurate records of the District's compliance and the District shall make available to the public proof of compliance for each person enrolled in the District who is required to receive safety training.

A campus that is determined by the Superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

UNSAFE
PRACTICES

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

SAFETY
PRECAUTIONS

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

STEROID TESTING

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)(e)

STUDENT ACTIVITIES

FM
(LEGAL)

ELIGIBILITY	A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. <i>Education Code 33.087</i>
SUSPENSION FROM EXTRACURRICULAR ACTIVITIES	A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the District or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at ADVANCED COURSES.
LENGTH OF SUSPENSION	A suspension continues for at least three school weeks and is not removed during the school year until the conditions of REINSTATEMENT, described below, are met. A suspension shall not last beyond the end of a school year.
GRADE EVALUATION PERIOD	“Grade evaluation period” means: <ol style="list-style-type: none">1. The six-week grade reporting period; or2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks. <p><i>Education Code 33.081(c)</i></p>
SCHOOL WEEK	The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. <i>19 TAC 76.1001(b)</i>
ADVANCED COURSES	The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. <i>Education Code 33.081(d-1)</i>
STUDENTS WITH DISABILITIES	In the case of a student with a disability that significantly interferes with the student’s ability to meet regular academic standards, suspension must be based on the student’s failure to meet the requirements of the student’s individualized education program (IEP). The determination of whether the disability substantially interferes with the student’s ability to meet the requirements of the student’s IEP must be made by the admission, review, and dismissal (ARD) committee.

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

Education Code 33.081(e)

PRACTICE OR
REHEARSAL

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

REINSTATEMENT

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

ATTENDANCE AND
PARTICIPATION

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

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

Education Code 33.081(a), 33.0811

STATE BOARD OF
EDUCATION RULES

The following provisions apply to any UIL activity.

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

EXTRACURRICULAR
ACTIVITIES

An extracurricular activity is an activity sponsored by the UIL, the Board, or an organization sanctioned by Board resolution. The ac-

tivity is not necessarily directly related to instruction of the essential knowledge and skills, but may have an indirect relation to some areas of the curriculum.

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

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

EXCEPTION —
PUBLIC
PERFORMANCES

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

1. Only item 4, above, applies; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

19 TAC 76.1001(a)

LIMITS ON
PARTICIPATION
AND PRACTICE
DURING THE
SCHOOL WEEK

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

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

which the statewide student assessment program is scheduled for grades 3–11.

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

DURING THE
SCHOOL DAY

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

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

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

RECORD OF
ABSENCES

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

PARENTAL NOTICE
AND CONSENT

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

ANONYMOUS
EVALUATION

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. The District may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload

STUDENT ACTIVITIES

FM
(LEGAL)

requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

VIDEOTAPING AND
RECORDING

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

DISCRIMINATORY
CLUB

An extracurricular activity sponsored or sanctioned by the District, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

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

Education Code 33.082

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

FNC
(LOCAL)

STUDENT HANDBOOK
— STUDENT CODE OF
CONDUCT

The District's rules of conduct and discipline, maintained in the student handbook and/or the Board-adopted Student Code of Conduct, are established to achieve and maintain order in the schools, and to teach respect toward others and responsible behavior. [See FO series]

EXTRACURRICULAR
ACTIVITIES:
STANDARDS OF
BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. [See FO]

PROHIBITED
HARASSMENT

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

1. Other students, as defined at FFH.
2. District employees, as defined at DIA.

While subject to the disciplinary control of the District, students shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

Students who violate this prohibition are subject to appropriate discipline in accordance with the Student Code of Conduct.

BEHAVIORAL
STANDARDS

The following specific policies address student conduct in the areas of:

1. Attendance — FEC
2. Bullying — FFI
3. School-sponsored publications — FMA
4. Appropriate attire and grooming — FNCA
5. Damage to school property — FNCB
6. Prohibited organizations and hazing — FNCC
7. Tobacco use — FNCD
8. Telecommunications devices — FNCE
9. Drug and alcohol use — FNCF
10. Weapons — FNCG
11. Assault — FNCH
12. Disruptions — FNCI, GKA

STUDENT CONDUCT
TELECOMMUNICATIONS DEVICES

FNCE
(LEGAL)

DEFINITION	A "paging device" is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The term does not include an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission.
PAGING DEVICES POLICY	The Board may adopt a policy prohibiting students from possessing paging devices while on school property or while attending school-sponsored or school-related activities on or off school property.
PENALTIES	The policy may establish disciplinary measures to be imposed for violation of the prohibition and may provide for confiscation of the paging device.
DISPOSAL	The District policy may provide for: <ol style="list-style-type: none">1. Disposal of a confiscated paging device in any reasonable manner, provided the student's parent and the paging company whose name and address appear on the device are given 30 days' notice of the intent to dispose of the device. Such notice may be made by telephone, telegraph, or in writing, and must include the serial number of the device.2. Charging the owner of the device or the student's parent an administrative fee of not more than \$15 before it releases the device.

Education Code 37.082

STUDENT CONDUCT
WEAPONS

FNCG
(LEGAL)

POSSESSION OF WEAPONS EXPULSION OFFENSE	A student shall be expelled from school if the student possesses, uses, or exhibits any firearm, illegal knife, club, or prohibited weapon, on school property or while attending a school-sponsored or school-related activity on or off school property. <i>Education Code 37.007(a)(1)</i> [See also FOD]
FIREARMS EXPULSION OFFENSE	In accordance with the Gun-Free Schools Act, the District shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any District school. <i>20 U.S.C. 7151; Education Code 37.007(e)</i> [See FOD]
DEFINITIONS FIREARM	For purposes of state law, "firearm" shall mean any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. <i>Penal Code 46.01(3)</i>
ILLEGAL KNIFE	"Illegal knife" is, as defined by law, a knife with a blade over 5-1/2 inches; hand instrument designed to cut or stab another by being thrown; dagger, including a dirk, stiletto, and poniard; bowie knife; sword; or spear, or is as defined by local policy. <i>Penal Code 46.01(6); Education Code 37.007(a)(1)(B)</i>
CLUB	A "club" is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. <i>Penal Code 46.01(1)</i>
OTHER PROHIBITED WEAPONS	A prohibited weapon is: <ol style="list-style-type: none">1. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon). <i>Penal Code 46.01(2)</i>2. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). <i>Penal Code 46.01(9)</i>3. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches). <i>Penal Code 46.01(10)</i>4. A firearm silencer (any device designed, made, or adapted to muffle the report of a firearm). <i>Penal Code 46.01(4)</i>

5. A switchblade knife (any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device on the handle, or opens or releases from the handle or shaft by the force of gravity or centrifugal force). *Penal Code 46.01(11)*
6. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). *Penal Code 46.01(8)*
7. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). *Penal Code 46.01(12)*
8. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a chemical capable of causing an adverse psychological or physiological effect on a human being). *Penal Code 46.01(14)*
9. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). *Penal Code 46.01(16)*

Penal Code 46.05(a)

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

GUIDING PRINCIPLES	The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.
NOTICE TO STUDENTS AND PARENTS	The District shall inform students and parents of this policy.
COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all student and parent complaints, except as provided below.
EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion. [See FFH]2. Complaints concerning dating violence. [See FFH]3. Complaints concerning retaliation related to discrimination and harassment. [See FFH]4. Complaints concerning bullying. [See FFI]5. Complaints concerning loss of credit on the basis of attendance. [See FEC]6. Complaints concerning removal to a disciplinary alternative education program. [See FOC]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

7. Complaints concerning expulsion. [See FOD and the Student Code of Conduct]
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504. [See FB]
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act. [See EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education]
10. Complaints concerning instructional materials. [See EFA]
11. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
12. Complaints concerning intradistrict transfers or campus assignments. [See FDB]

GENERAL
PROVISIONS

FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

REPRESENTATIVE

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days'

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

	<p>notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.</p>
LEVEL ONE	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none">1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and2. With the lowest level administrator who has the authority to remedy the alleged problem. <p>In most circumstances, students and parents shall file Level One complaints with the campus principal.</p>

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied on by the administration for the Level One decision. The Level Two conference shall be audio-taped. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two complaint. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If, at the Level Three hearing, the administration intends to rely on evidence not included in the records, the administration shall pro-

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

vide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

STUDENT DISCIPLINE

FO
(LOCAL)

- GENERAL GUIDELINES District personnel shall adhere to the following general guidelines when imposing discipline:
1. A student shall be disciplined when necessary to improve the student's behavior, to maintain essential order, or to protect other students, school employees, or property.
 2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:
 - a. The seriousness of the offense;
 - b. The student's age;
 - c. The frequency of misconduct;
 - d. The student's attitude;
 - e. The potential effect of the misconduct on the school environment;
 - f. Requirements of Chapter 37 of the Education Code; and
 - g. The Student Code of Conduct adopted by the Board.
- STUDENT CODE OF CONDUCT At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:
1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
 2. Made available on the District's Web site and/or as hard copy to students, parents, teachers, administrators, and to others on request.
- REVISIONS Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.
- 'PARENTS' DEFINED Throughout the Student Code of Conduct and discipline policies, the term "parents" includes a parent, legal guardian, or other person having lawful control of the child.
- DETENTION For violations of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days, as provided by the discipline management program and/or Student Code of Conduct. Before being assigned to detention, a student shall be informed of the behavior that allegedly constitutes the violation and shall be given an opportunity to explain his or her version of the incident. The period

STUDENT DISCIPLINE

FO
(LOCAL)

of time for which a student is assigned to detention shall be used for educational purposes.

NOTICE TO
PARENTS

When detention is assigned, notice shall first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation. Except in the case of a student who is 18 years of age or older, the detention shall not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

CORPORAL
PUNISHMENT

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or otherwise physically disciplined for violations of the Student Code of Conduct.

PHYSICAL RESTRAINT

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
4. Control an irrational student.
5. Protect property from serious damage.

EXTRACURRICULAR
STANDARDS OF
BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property. Extracurricular behavioral standards shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

Students shall be informed of any extracurricular behavior standards at the beginning of each school year or when the students first begin participation in the activity. Students and their parents shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

STUDENT DISCIPLINE

FO
(LOCAL)

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

VIDEO / AUDIO
MONITORING

Video/audio equipment shall be used for safety purposes to monitor student behavior on buses and in common areas on District campuses.

NOTICE

Students and parents shall be notified regarding the use of video cameras on school buses and on campuses. Students shall not be notified when the equipment is turned on.

USE OF
RECORDINGS

Recordings shall be reviewed as needed by the principal, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

ACCESS TO
RECORDINGS

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(EXHIBIT)

The following are felony offenses listed in Title 5 of the Penal Code, Offenses Against the Person.

Section 19.02: Murder

Section 19.03: Capital Murder

Section 19.04: Manslaughter

Section 19.05: Criminally Negligent Homicide

Section 20.02: Unlawful Restraint (if [1] the person restrained was younger than 17 years of age, [2] the actor recklessly exposes the victim to a substantial risk of serious bodily injury, [3] he actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty, or [4] the actor while in custody restrains any other person)

Section 20.03: Kidnapping

Section 20.04: Aggravated Kidnapping

Section 20.05: Unlawful Transport

Section 20A.02: Trafficking of Persons

Section 21.02: Continuous Sexual Abuse of Young Child or Children

Section 21.11: Indecency with a Child

Section 21.12: Improper Relationship between Educator and Student

Section 21.15: Improper Photography or Visual Recording

Section 22.01: Assault (if the actor intentionally, knowingly, or recklessly causes bodily injury to [1] a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; [2] a person the actor knows is a security officer [see Occupations Code 1702.002, 1702.221] while the person is performing a duty as a security officer; [3] a person the actor knows is emergency services personnel while the person is providing emergency services; [4] a person who contracts with the government to perform a service at a correctional facility [see Penal Code 1.07(a)(14)] or a secure correctional or detention facility for juveniles [see Family Code 51.102(13), (14)]; and [5] under certain circumstances, a family member)

Section 22.011: Sexual Assault

Section 22.015: Coercing, Soliciting, or Inducing Gang Membership

Section 22.02: Aggravated Assault

Section 22.021: Aggravated Sexual Assault

Section 22.04: Injury to a Child, Elderly Individual, or Disabled Individual

STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC
(EXHIBIT)

Section 22.041: Abandoning or Endangering a Child

Section 22.05: Deadly Conduct (if the person knowingly discharges a firearm at or in the direction of one or more individuals or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied)

Section 22.07: Terroristic Threat (if the actor threatens to commit any offense involving violence to any person or property with intent to: [1] prevent or interrupt the occupation or use of a building, room, place, or conveyance if the prevention or interruption causes pecuniary loss to the owner of \$1,500 or more; [2] cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; [3] place the public or a substantial group of the public in fear of serious bodily injury; or [4] influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision)

Section 22.08: Aiding Suicide (if the conduct causes suicide or attempted suicide that results in serious bodily injury)

Section 22.09: Tampering with Consumer Product

Section 22.11: Harassment by Persons in Certain Correctional Facilities or of Public Servant

GUIDELINES FOR COPY CHARGES

The charges in this exhibit, to recover costs associated with providing copies of public information, are based on estimated average costs to governmental bodies across the state. When actual costs are 25 percent higher than those used in these rules, governmental bodies other than agencies of the state may request an exemption in accordance with 1 TAC 70.4.

Copy charges are as follows:

1. Standard-paper copy. The charge for standard-paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.
2. Nonstandard copy. The charges for nonstandard copies are:
 - a. Diskette — \$1.00
 - b. Magnetic tape — actual cost
 - c. Data cartridge — actual cost
 - d. Tape cartridge — actual cost
 - e. Rewritable CD (CD-RW) — \$1.00
 - f. Non-rewritable CD (CD-R) — \$1.00
 - g. Digital video disc (DVD) — \$3.00
 - h. JAZ drive — actual cost
 - i. Other electronic media — actual cost
 - j. VHS video cassette — \$2.50
 - k. Audio cassette — \$1.00
 - l. Oversize paper copy (e.g., 11" x 17", greenbar, bluebar, not including maps and photographs using specialty paper) — \$.50
 - m. Specialty paper (e.g., Mylar, blueprint, blueprint, map, photographic) — actual cost

Personnel charges are as follows:

1. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the District may charge for the programmer's time. The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate. Districts that do not have in-house programming capabilities shall comply with requests in accordance with Government Code 552.231. [See CQ]

INFORMATION ACCESS
REQUESTS FOR INFORMATION

GBAA
(EXHIBIT)

2. The charge for labor costs incurred in processing a request for public information is \$15.00 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.
3. A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility. For purposes of this provision, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.
4. A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:
 - a. To determine whether the District will raise any exceptions to disclosure of the requested information under Government Code, Subchapter C, Chapter 552; or
 - b. To research or prepare a request for a ruling by the attorney general's office pursuant to section 552.301 of the Government Code. [See CQ]
5. When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies as a labor charge pursuant to Government Code 552.261(a)(1) or (2).

Overhead charges are as follows:

1. Whenever any labor charge is applicable to a request, the District may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the District chooses to recover such costs, a charge shall be made in accordance with the methodology described in item 3 below. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.
2. An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).
3. The overhead charge shall be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3.00 ; or programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

INFORMATION ACCESS
REQUESTS FOR INFORMATION

GBAA
(EXHIBIT)

Microfiche and microfilm charges are as follows:

1. If the District already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the fiche or film can be released in its entirety, the District should make a copy of the fiche or film. The charge for a copy shall not exceed the cost of reproduction. Districts that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.
2. If only a master copy of information in microform is maintained, the charge is \$.10 per page for standard-size paper copies plus any applicable labor and overhead charge for more than 50 copies.

Remote document retrieval charges are as follows:

1. Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by the District to store current records on-site. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.
2. If the District has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the District, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed in accordance with item 2 under personnel charges, above.

Computer resource charges are as follows:

1. The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.
2. These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.
3. The charges in this section are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each district using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly:

INFORMATION ACCESS
REQUESTS FOR INFORMATION

GBAA
(EXHIBIT)

<u>Type of System</u>	<u>Rate</u>
Mainframe	\$10.00 per CPU minute
Midsized	\$ 1.50 per CPU minute
Client/Server	\$ 2.20 per clock hour
PC or LAN	\$ 1.00 per clock hour

4. The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is described above, at Personnel Charges. No charge should be made for computer print-out time. For example, if a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10.00 / 3 = \3.33 ; or $\$10.00 / (60 / 20) = \3.33 .

A district that does not have in-house computer capabilities shall comply with requests in accordance with Government Code 552.231. [See CQ]

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

Governmental bodies may add any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party.

Pursuant to Office of the Comptroller of Public Accounts' rules, sales tax shall not be added on charges for public information. (34 TAC, Part 1, Chapter 3, Subchapter O, Sections 3.341 and 3.342).

A district that accepts payment by credit card for copies of public information and that is charged a transaction fee by the credit card company may recover that fee.

1 TAC 70.3, 70.10

PUBLIC COMPLAINTS

GF
(LOCAL)

GUIDING PRINCIPLES	The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
COMPLAINTS	In this policy, the term “complaint” and “grievance” shall have the same meaning. This policy shall apply to all complaints from the public except as provided below.
EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none">1. Complaints concerning instructional materials. [See EFA]2. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
GENERAL PROVISIONS	Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
FILING	
RESPONSE	At Levels One and Two, “response” shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

PUBLIC COMPLAINTS

GF
(LOCAL)

DAYS	<p>“Days” shall mean District business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>
REPRESENTATIVE	<p>“Representative” shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.</p> <p>The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiled is within the designated time for filing a complaint.</p>

PUBLIC COMPLAINTS

GF
(LOCAL)

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

LEVEL TWO

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.

3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis for the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.

3. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

